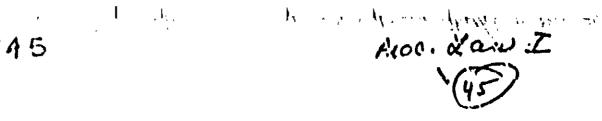


## COMPTROLLER GENERAL OF THE UNITED STATES WASHINGTON, D.C. 1010



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Sellars, Conner & Cuneo Attorneys & Counselors 1625 E Streat, M.W. Mashington, D.C. 20006

Attention: Raymond B.E. Pushkar, Esq. Counsel for Burroughs Corporation

Gentlemen:

We refer to our letter of October 3, 1978, and prior correspondence concerning our declaions of December 9, 1976, Burroughs Corporation, 56 Comp.

Gen. 142 (1976), 76-2 CPD 472, and April 13, 1977, Honoyvell Information Systems, Inc., 56 Comp. Gen. 505 (1977), 77-1 CPD 256. Both of these declaions sustained Burroughs' protest against an award of a contract for an automatic data processing system to Honoyvell by the Hine Enforcement and Safety Administration of the Department of Interior (now the Mine Safety and Health Administration (MCNA) of the Department of Labor). Incident to these decisions we also recommended that the automatic data processing requirements be reprocured in a competition limited to the two companies.

By letter of July 6, 1970, to the Secretary of Labor we reaffirmed our prior decisions notwithstanding objections raised by HSHA that its ADP needs had changed to such an extent that a new producement open to all interested companies was in order rather than a reproducement limited to Honeywell and Burroughs. The conclusion in our July 6 letter was based on a GAO audit which indicated that a reproducement limited to Honeywell and Burroughs was still appropriate.

[REAffirment of Prior Decision]

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By letters of August 3 and August 25, 1978, MSHA furnished additional information concerning its alleged APP needs changes and stated that it was "presently impossible to comply" with our prior letter and decisions. Because of these letters we again reviewed the validity and magnitude of the changes so as to decide whether MSHA's "present impossibility" statement was justified.

We conclude as a result of our audit review that, based on the recent MSHA correspondence, MSHA should "be permitted to enter into a new fully competitive procurement to meet its expanding data processing needs." Because of this conclusion, we are informing the Secretary of Labor, by letter of today, copy enclosed, that our prior recommendations regarding a restricted reprocurement are withdrawn.

Sincerely yours,

R.F.KHILLIN

Daputy of the United States

Enclosure