

10740 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

EXHIBIT 6



DEFENSE SUPPLY AGENCY
HEADQUARTERS
CAMERON STATION
ALEXANDRIA, VIRGINIA 22314

IN REPLY
REFER TO DSAH-PRS

18 OCT 1973

Mr. Edward G. Feldmann, Ph. D.
Associate Executive Director
for Scientific Affairs
American Pharmaceutical Association
2215 Constitution Avenue, N. W.
Washington, D. C. 20037

RECEIVED OCT 23 1973

Dear Mr. Feldmann:

We are in receipt of your 27 September 1973 letter requesting lists of acceptable or unacceptable bidders for drug contracts. Please be advised that such lists are not developed nor maintained by the Defense Personnel Support Center or the Defense Supply Agency. Thus, we cannot respond to your request for such information.

The Armed Services Procurement Regulation requires that we seek the widest possible competition on each procurement by providing all interested firms with a copy of the solicitation. However, before making each award, the contracting officer must affirmatively determine that the low bidder is responsible. The regulation specifies the standards of responsibility, sources of information and investigative procedures in order to insure that the contracting officer's determination is based on current and sufficient evidence. Since the contracting officer must affirmatively determine on each procurement that the low bidder is responsible, a bidder's failure to qualify as responsible on previous procurements does not preclude his qualifying as responsible on a subsequent procurement for which he submits the low bid. To maintain a list of unacceptable bidders would be inconsistent with this policy.

Sincerely,

PERRY E. KIMERER
Colonel, USAF
Chief, Quality & Production Division
Directorate, Procurement & Production

Buy U. S. Savings Bonds -- Payroll Savings Plan!