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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Intelligent Decisions, Inc.–Reconsideration

File: B-274626.3

Date: May 15, 1997

Daniel B. Abrahams, Esq., and Raymond Fioravanti, Esq., Epstein Becker & Green, P.C., for the protester.
James J. Roby, Esq., and John R. Caterini, Esq., Department of Justice, for the agency.
Paula A. Williams, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where requester reiterates arguments which merely reflect the requester's disagreement with the decision, but fails to show that the initial decision contains either errors of fact or law and fails to present information not previously considered that warrants reversal or modification of the decision.

DECISION

Intelligent Decisions, Inc. (IDI) requests reconsideration of our decision in Intelligent Decisions, Inc., B-274626; B-274626.2, Dec. 23, 1996, 97-1 CPD ¶ 19. In that decision, our Office denied the firm's protests against the issuance of a blanket purchase order (BPA) by the Department of Justice (DOJ) to WIN Laboratories, Ltd. under its General Services Administration Federal Supply Schedule (FSS) contract for a quantity of personal computers, related software and hardware. IDI contends that our decision was flawed by errors of fact and law.

We deny the request for reconsideration.

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision contains either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.14(a) (1997). While IDI alleges such errors, it fails to demonstrate error in either fact or law upon which our decision rests; rather, IDI disagrees with our analyses and conclusions. Mere disagreement with our decision does not warrant reversal or modification of the decision. R.E. Scherrer, Inc.–Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274 at 2.

In our denial of the protest, we found that despite several procedural deficiencies during the conduct of the procurement, DOJ's actions were consistent with the procedures found at Federal Acquisition Regulation (FAR) Part 8 which govern an FSS buy and thus concluded that the challenged procurement was an FSS buy. We also concluded that within the context of an FSS acquisition, DOJ's alleged discussions with WIN were proper since an agency is not precluded from communicating with, or considering information from, a vendor responding to the agency's request for quotations (RFQ) for products on its FSS, even if that communication occurs after the date established by the RFQ for receipt of quotations. As stated in our prior decision, unlike a request for proposals or an invitation for bids, an RFQ issued to FSS contractors does not seek offers that can be accepted by the government to form a contract. Rather, the RFQ is a means of gathering information from vendors on the products they would propose to meet the agency's needs and the prices of those products and related services. The agency may then use this information as the basis for issuing a purchase order to the FSS contractor.

IDI contends that our Office should reconsider the prior decision because we erroneously concluded that the challenged procurement was an FSS buy. IDI claims that our conclusion was based on a "material mischaracterization" of the discussions between DOJ and WIN as "requests for additional information" while ignoring the nature and extent of the communications which IDI argues, as it did in its protests, were consistent with a negotiated procurement. Under negotiated procurement procedures, IDI argued, DOJ's discussions with WIN were improper because the discussion process was used to obtain a revised proposal only from WIN, to the prejudice of itself and other "bidders." We specifically considered this argument in our prior decision and rejected IDI's contention that this acquisition was other than an FSS buy. While IDI disagrees with our conclusion and presents many of the same arguments that it used to support its initial protests, it does not demonstrate that our conclusion is factually or legally incorrect.

Finally, IDI argues that we erred as a matter of law because we concluded that DOJ properly entered into a BPA with WIN and essentially repeats its earlier-raised arguments that the award document contains none of the mandatory provisions of a BPA. IDI's mere repetition of its original argument demonstrates disagreement with our decision but does not satisfy the standard for reconsideration. R.E. Scherrer, Inc.--Recon., supra.

The request for reconsideration is denied.

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