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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: B-189350

DATE: October 11, 1977

MATTER OF: Benjamin Brothers, Inc. (Reconsideration)

**DIGEST:**

1. Request for reconsideration of prior decision is dismissed since it does not present significant facts which were not previously considered or which would indicate a mistake in fact or law.
2. Where agency intends to award contract for removal and packing of 39 fewer line items than the 418 line items listed in solicitation, award may be made without revising specifications to reflect change because reduction is not so substantial as to require negotiations and solicitation permits award of less than all line items solicited.

Benjamin Brothers, Inc. (Benjamin) has requested reconsideration of our decision Benjamin Brothers Inc., B-189350, August 25, 1977, 77-2 CPD 147. That decision involved a request for proposals (RFP) DAAA-25-77-R-0012, issued by Frankford Arsenal, U.S. Army for the removal and packing of production equipment from the arsenal. The decision held that even though an offeror indicates after the closing date for proposals that it has not submitted its best price and that it can provide monetary savings to the Government because of a technological breakthrough, the contracting officer, nevertheless, may exercise discretion in deciding whether, in all of the circumstances, negotiations are required.

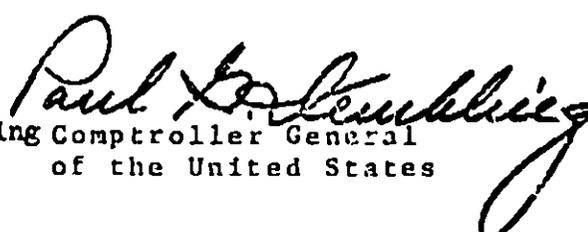
Benjamin states its belief that our interpretation of the facts was erroneous but it has provided no details which were not previously considered or which would indicate that our interpretation of the facts upon which the previous decision was based was in error. Thus, Benjamin's request has not met the requirements of our Bid Protest Procedures, 4 C.F.R. § 20.9 (1976) which provide that a request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted.

B-189350

Accordingly, the request to reconsider our previous decision is dismissed.

Benjamin has also submitted to this Office a mailgram and a letter both dated September 23, 1977 and a telegram dated September 24, 1977 stating that the requirements of the RFP have changed, requesting negotiations with Frankford Arsenal personnel and apparently protesting the award of any contract until the Army's requirements "are specifically referenced 'n the solicitation." The Army has informed this Office that it intends to award a contract which will require the removal and packing of 39 fewer line items than the 418 line items listed in the solicitation. We do not consider the reduction to be so substantial as to require negotiations. Moreover, the RFP contains Standard Form (SF) 33A which specifically reserves to the Government the right to make an award for less than all of the total line items solicited.

Accordingly, to the extent that Benjamin's correspondence of September 23 and 24 constitutes a protest, it is denied.

  
Acting Comptroller General  
of the United States