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TRANS

DECISION



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

[Protest Against Award of Army Contract for Custodial Services]

FILE: B-195216.2

DATE: August 9, 1979

MATTER OF: Industrial Maintenance Services, Inc. -
Request for Reconsideration

DIGEST: Where request for reconsideration of decision denying bid protest in part and dismissing it in part only restates arguments previously considered, decision is affirmed.

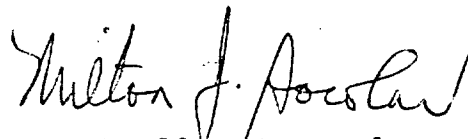
Industrial Maintenance Services, Inc. (Industrial), requests reconsideration of our decision in Industrial Maintenance Services, Inc., B-195216, June 29, 1979, where we summarily denied in part and summarily dismissed in part the firm's protest against the proposed award of a requirements contract by the Department of the Army to Starlite Services, Inc. (Starlite), the low bidder under an invitation for bids (IFB) for custodial services.

Industrial had protested that Starlite's bid was so low that it could not reflect what Industrial calculated to be the "absolute minimum" number of employees required to perform the services. We denied the protest to the extent that it involved the "responsiveness" of Starlite's bid, i.e., whether it represented an offer to perform the exact thing called for in the IFB, since there was no evidence that Starlite had taken exception to any of the solicitation's requirements. Thus, the Army's acceptance effectively bound Starlite to perform in accordance with those requirements at the contract prices. We also dismissed the protest to the extent that it concerned Starlite's apparent ability to perform, since that is a matter of Starlite's responsibility, and we had been informally advised by the Army that the firm had been determined responsible. We pointed out that our Office does not review protests against affirmative determinations of responsibility except in circumstances not applicable to Industrial's protest. Finally, we stated that whether or not Starlite complied with the workforce requirement during performance was a matter of contract administration, which also was not for our consideration.

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In its request for reconsideration, Industrial again argues that Starlite's low bid should have been rejected as nonresponsive, and that Starlite cannot provide the number of employees and man-hours required under the IFB. Industrial also alleges that Starlite in fact has not been providing the required number of workers, and suggests that had Industrial been able to anticipate this relaxation of the workforce requirement, it would have submitted a lower bid.

The matters raised in the request for reconsideration are essentially restatements of arguments that were fully considered by our Office in our review of Industrial's initial protest. Accordingly, we consider that Industrial has failed to demonstrate any error of law or present information not previously considered. See section 20.9 of our Bid Protest Procedures, 4 C.F.R. part 20 (1979). Our decision of June 29 therefore is affirmed. Magnasync/Moviola Corporation-Request for Reconsideration, B-190793, September 6, 1978, 78-2 CPD 174.



For The Comptroller General
of the United States