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**DECISION**



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

FILE: B-195560.2, et al., DATE: December 23, 1981

MATTER OF: Alan Scott Industries

**DIGEST:**

1. GAO summarily denies protests and affirms prior decisions on request for reconsideration where the agency report shows that the protester's allegation of impropriety is founded on nothing more than agency renumbering of solicitation clauses without any change in the content of the clauses renumbered.
2. GAO summarily denies protests where protester's initial submissions fail to present any arguments or information distinguishing present contentions from those previously considered and denied.

Alan Scott Industries (ASI) protests the Defense Logistics Agency (DLA), Defense Personnel Support Center (DPSC), issuance of numerous solicitations (docketed under B-203004, B-204161, B-204860, B-205002, B-205074, B-205134, B-205301, B-205463, B-205480, B-205481, B-205539, and B-205583) for medical instruments on substantially the same grounds as it raised in earlier protests. ASI also seeks reconsideration of numerous previous decisions (docketed collectively under B-195560.2, et al.).

As discussed below, the protests are summarily denied and our prior decisions affirmed.

The protests involve the following: (1) the alleged ambiguity of medical and dental instrument specifications; (2) allegations of improper contract administration (discrimination in enforcement, improper testing); (3) DLA refusal to provide ASI with samples of instruments furnished by other manufacturers; and (4) the "fraudulent" use of clause I-14 and/or E-33. ASI's request for reconsideration is based on its discovery of the fourth issue of protest.

With regard to issues 1, 2, and 3, ASI has failed to present any arguments or information which would distinguish its present contentions from those which we have previously considered and denied. Alan Scott Industries, B-199662, et al., January 27, 1981, 81-1 CPD 44; and Alan Scott Industries, B-201743, et al., March 3, 1981, 81-1 CPD 159. Therefore, as to these issues, our prior decisions are dispositive.

The fourth issue concerns whether clause I-14, the subject of previous ASI protests against DLA testing of contractor-furnished samples, was legal in view of ASI's discovery that the "TESTING AT GOVERNMENT LABORATORY" clause is also designated E-33.

In order to resolve this issue, we have obtained a report from DLA explaining the situation. DLA reports that:

"\* \* \* [t]he only clause at issue in ASI's protest is the clause captioned Testing at Government Laboratories. This clause was identified as Clause I-14 in the 31 January 1979 edition of the DPSC Handbook of Clauses. In the current edition of the Handbook, dated 30 June 1980, this clause is identified as Clause E-33. The redesignation of clause numbers was necessitated by the revision in Uniform Contract Format directed by Defense Procurement Circular 76-20, dated 17 September 1979. The text of the clause has remained exactly the same under both clause numbers. The Reporting of Royalties (Foreign) Clause, which was previously numbered Clause L-45, and which bears the number I-14 in the current edition of the DPSC Handbook of Clauses, is inapplicable and entirely irrelevant to any of the DPSC solicitations protested by ASI."

In view of the above, we conclude that the mere renumbering of the testing clause, without substantive change, provides no basis for modifying our prior decisions.

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Accordingly, the protests are summarily denied and our prior decisions are affirmed.

*Harvey R. Van Cleave*  
For Comptroller General  
of the United States