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DECISION



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

FILE: B-199540.4

DATE: May 5, 1983

MATTER OF: Boone, Young & Associates, Inc.

DIGEST:

Prior decision is affirmed where protester, in its request for reconsideration, disagrees with GAO's conclusions and with relevance of cases cited, but has not provided any basis which would warrant reversal of the prior decision.

Boone, Young & Associates, Inc. requests reconsideration of our decision in Boone, Young & Associates, Inc., B-199540.3, November 16, 1982, 82-2 CPD 443, which denied Boone Young's claims for reimbursement of expenses incurred in preparing proposals in connection with request for proposals Nos. 105-80-P-076 (RFP 076) and 105-80-P-034 (034) issued by the Department of Health and Human Services (HHS). Each solicitation called for a proposal to establish a National Day Care Resource Center and was issued under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (Supp. IV 1980). For the reasons discussed below, we affirm our prior decision.

We denied Boone Young's claim under RFP 076 because we found no violation of any regulation nor any evidence of bad faith in connection with the rejection of Boone Young's proposal. We denied that firm's claim under RFP 034, which Boone Young viewed as a sole-source document with it as the recipient of the contract, because we did not find that the agency's subsequent cancellation of the RFP was the result of bad faith or was a breach of an alleged promise by the agency that Boone Young would receive an award under RFP 034.

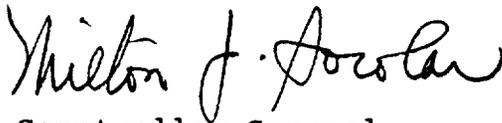
Boone Young argues that we did not consider and resolve its contention that its proposal was not evaluated in accordance with the criteria listed in RFP 076.

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Young disagrees with that statement, but has not offered any new arguments--it merely refers to its earlier submissions that we considered prior to issuing our decision. We cited Decision Sciences and Optimum Systems for the general principles that our Office will not find a discretionary determination arbitrary if there is a reasonable basis for it and that even if a claimant can show animosity on the part of a contracting officer it must also show that that animosity was translated into unreasonable action which prejudiced the claimant. While it may be, as Boone Young argues, that the facts of the cited cases are distinguishable from this case, those cases nevertheless, stand for the propositions for which they were cited.

In sum, we find that Boone Young challenges our factual and legal conclusions, but has provided no new evidence or legal arguments which would warrant reversal.

Therefore, our decision is affirmed.

for 
Comptroller General
of the United States