

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

27048

FILE: B-211454.3

DATE: December 16, 1983

MATTER OF: Black People of America

**DIGEST:**

Request for reconsideration is denied where the protester fails to demonstrate factual grounds or errors of law which would merit reversal or modification of the original decision.

Black People of America (BPOA) requests reconsideration of our decision, B-211454, November 14, 1983, 83-2 CPD \_\_\_\_\_. There we denied its protest of an award to Hellas Painting Contractor under invitation for bids (IFB) DAKF 70-83-B-0043 issued by the Department of the Army. BPOA had contended that Hellas' bid was nonresponsive because that firm failed to acknowledge amendment 2 to the solicitation. We concluded that Hellas offered to perform all of the work which was to be done, with the result that its failure to acknowledge the amendment could be waived.

On reconsideration, BPOA says we failed to consider the pricing impact of night work at premium pay and the effect of a liquidated damages provision on price. However, our decision only dealt with whether Hellas was bound to furnish a finish coat of paint conforming to Federal Specification TT-P-1511, Type 1, the subject matter of the amendment; the amendment did not concern night work or liquidated damages. In other words, neither the cost of night work or liquidated damages was an issue in the protest.

BPOA has presented no bases to reconsider our prior decision. Norfolk Dredging Company--Request for Reconsideration, B-212514.2, September 19, 1983, 83-2 CPD 345. The request for reconsideration is denied.

*for* *Milton J. Archer*  
Comptroller General  
of the United States

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