

DECISION



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

FILE: B-218102.4 **DATE:** July 24, 1985
MATTER OF: Mounts Engineering--Reconsideration

DIGEST:

Prior decision dismissing protest is affirmed on reconsideration where protester has failed to show either errors of fact or law in prior decision. Moreover, GAO will not consider evidence submitted for the first time in the request for reconsideration where the evidence was available to the protester at the time protest was filed.

Mounts Engineering (Mounts) requests reconsideration of our decision in Mounts Engineering, B-218102.3, May 31, 1985, 85-1 C.P.D. ¶ 622, which dismissed Mounts' protest against the Department of the Interior's award of a contract to Potomac Engineering and Surveying (Potomac) for the collection of mining induced subsidence data sets.

We dismissed the protest because whether Potomac employs a registered surveyor to do the contract work concerns contract administration which we do not review. Further, we stated that Mounts did not present any evidence that Potomac's bid took exception to the solicitation's requirement for a registered surveyor.

In its request for reconsideration, Mounts contends that we erroneously concluded that Potomac's bid did not take exception to the requirement that the contract work be performed by a registered surveyor. The protester now submits documents to show that Potomac's bid was not responsive to the solicitation. These documents are copies of bid documents and invoices allegedly submitted by Potomac in 1984 for another project. A copy of the contract at issue in this protest was also provided. From these documents Mounts wants us to infer that Potomac's bid took exception to the present solicitation's requirement that the contract work be performed by a registered surveyor because the documents do not list any registered surveyors. We decline to do so. Initially, we note that it would not be proper to find a bid nonresponsive based upon the manner of completing

prior bids. Further, this documentary evidence submitted for the first time in the request for reconsideration was available to Mounts at the time the original protest was filed and should have been submitted for consideration at that time. Consequently, we will not now consider it. See Western Wood Preservers Institute--Reconsideration, B-203855.8, Jan. 9, 1985, 85-1 C.P.D. ¶ 29.

Since Mounts has not established that our prior decision was based on an erroneous interpretation of either fact or law, that decision is affirmed. See Triad Associates, Inc.--Reconsideration, B-214612.2, May 22, 1984, 84-1 C.P.D. ¶ 550; 4 C.F.R. § 21.12(a) (1985).

Accordingly, the prior decision is affirmed.


Harry R. Van Cleve
General Counsel