

DECISION

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

FILE: B-219223.2 **DATE:** October 8, 1985

MATTER OF: Big Joe Manufacturing
Company--Request for Reconsideration

DIGEST:

Request for reconsideration is dismissed where protester raises no new facts or legal arguments which were not previously considered while the initial protest was pending.

Big Joe Manufacturing Company requests reconsideration of our decision in Big Joe Manufacturing Company, B-219223, Sept. 16, 1985, 85-2 C.P.D. ¶ ____, denying its protest that the specifications in invitation for bids No. DLA700-85-B-4520 unduly restrict competition in that the specifications exceed the government's minimum needs. The solicitation was issued by the Defense Construction Supply Center (DCSC) for order-picking vehicles to be used at various Air Force commissaries. The protester alleged among other things that the Air Force had not adequately justified the solicitation's power steering requirement. As a result of this alleged unduly restrictive requirement, the protester contended that it was unfairly prevented from offering its product in response to the government's solicitation. We determined that the Air Force had established a prima facie case for specifying power steering and that the protester had not shown that the Air Force's position was arbitrary or otherwise unreasonable. The Air Force provided testing data which showed that there were significant performance differences that directly supported a finding that the use of power steering increased operator control, productivity, and safety. Although the protester contended that its order-pickers without power steering could achieve performance standards for steering that should meet the Air Force's minimum needs, it did not demonstrate in any way that the Air Force's needs are other than what the testing shows is provided by power steering.

Under our Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1985), a request for reconsideration must contain a detailed statement of the factual and legal grounds upon

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which reversal or modification is warranted and must specify any errors of law made in the decision or information not previously considered. Information not previously considered refers to information which was overlooked by our Office or information to which the protester did not have access when the initial protest was pending. Tritan Corporation--Reconsideration, B-216994.2, Feb. 4, 1985, 85-1 C.P.D. ¶ 136. Big Joe Manufacturing Company's request merely indicates its dissatisfaction with our decision by reasserting its allegation that the government's specification for power steering unduly and unfairly restricts competition by failing to state the Air Force's actual requirements. The protester does not present any new facts which were not previously considered by our Office or which were not known by the protester at the time of its initial protest, nor has it specified any error of law in our decision.

Accordingly, since the protester has provided no grounds for this Office to reconsider our prior decision, we dismiss the request.

for 
Harry R. Van Cleve
General Counsel