

DECISION

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

FILE: B-220967.3; B-220968.3 **DATE:** January 15, 1986

MATTER OF: Building Maintenance Specialists--
Reconsideration

DIGEST:

Request for further reconsideration is denied where protester fails to show an error of law or fact in GAO decisions on the protest and the initial reconsideration request.

Building Maintenance Specialists (BMS) requests that we further reconsider our dismissals of two bid protests the firm filed, both of which involved requisitions for janitorial and cleaning services issued by the Army Corps of Engineers (Corps). We affirmed the dismissals in our December 5, 1985, decision on BMS's initial request for reconsideration. We deny BMS's current request.

We dismissed one protest--our reference number B-220967--because BMS did not furnish a copy of the protest to the Corps within 1 day of filing the protest with our Office, as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1985), and also did not protest in a timely fashion. We dismissed the second protest--our reference number B-220968--because the Corps advised us that BMS, a small business, was refused a certificate of competency (COC) by the Small Business Administration (SBA). In its initial request for reconsideration, BMS alleged that it sent a copy of its protest to the Corps within the required time limit and that the Corps did not provide our Office with accurate information concerning the nonresponsibility determination. The Corps, however, informed us that it received a copy of BMS's protest more than 1 day after the filing of the protest with our Office and documented that the SBA, which has conclusive jurisdiction in this area, twice denied the protester a COC. We therefore affirmed our dismissals of the two protests in Building Maintenance Specialists--Request for Reconsideration, B-220967.2, et al., Dec. 5, 1985, 85-2 C.P.D. ¶ ____.

On December 20, BMS returned a copy of our December 5 decision with "No" written next to the paragraphs with which

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it apparently disagreed, with a request for further reconsideration. BMS again alleges that the Corps received a copy of the protest in a timely fashion and that the SBA did not deny the firm a COC. BMS further states that a "direct finding of responsibility is in the records" furnished to our Office.

Our Regulations require that a request for reconsideration contain a detailed statement of the factual and legal grounds upon which reversal or modification is warranted and that it specify errors of law made or information not considered previously. 4 C.F.R. § 21.12(a). BMS's request merely restates the grounds of its initial request for reconsideration. We addressed these grounds in our December 5 decision and, thus, we will not reconsider our dismissals. See Ginter Welding Inc.--Reconsideration, B-218894.2, July 16, 1985, 85-2 C.P.D. ¶ 54; Tritan Corp.--Reconsideration, B-216994.2, Feb. 4, 1985, 85-1 C.P.D. ¶ 136. With regard to BMS's apparent claim that its responsibility is established in the record, upon review of the files for these protests we find two letters--one dated October 18 and the other dated November 15, from the SBA to the Corps, which state that BMS failed to file for a COC. As stated above, SBA, not our Office, has conclusive jurisdiction over these matters under COC procedures.

The request for reconsideration is denied.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel