



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: GTC Group--Reconsideration Request

File: B-218447.5

Date: July 9, 1986

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### DIGEST

1. Request by performing contractor for an increase in its contract price does not warrant reversing prior decision recommending award to that firm since the request does not change the fact that the contractor was entitled to award as the low responsive bidder.
2. Questions regarding contractor performance, payment and termination are matters of contract administration for consideration by the contracting agency, not the General Accounting Office.

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### DECISION

GTC Group requests reconsideration of our decision in Energy Maintenance Corp; Turbine Engine Services Corp., 64 Comp. Gen. 425 (1985), 85-1 C.P.D. ¶ 341, aff'd, Turbine Engine Services--Request for Reconsideration, B-218447.2, June 25, 1985, 64 Comp. Gen. \_\_\_\_, 85-1 C.P.D. ¶ 721. In that decision, we held that the United States Coast Guard improperly had canceled a solicitation for turbine engine overhauls. We recommended that the Coast Guard reinstate the solicitation and award a contract to Energy Maintenance Corp. (EMC), the low responsive bidder, if the firm was otherwise eligible for the award.

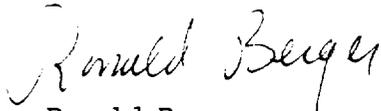
The Coast Guard proceeded with a fixed-price contract award to EMC as we recommended, and EMC has begun performance. GTC, a bidder on the original procurement, recently obtained information under the Freedom of Information Act indicating that EMC has requested increases in its prices for certain contingency items for the repair of two gas turbine generators. GTC argues that since EMC received the award based on its low bid (while GTC was denied an award due to its higher bid price), EMC's request for a price increase should invalidate the award. We dismiss the reconsideration request.

Our Office will consider a request for reconsideration of a prior decision only where the requester presents information supposedly indicating that the decision was legally erroneous or failed to take into account all facts presented. Bid Protest Regulations, 4 C.F.R.

§ 21.12(a) (1986). We found EMC entitled to the award because it was the low responsive bidder on the solicitation. GTC's argument negates neither those facts nor the propriety of our legal conclusion based on those facts.

GTC's reconsideration request actually raises the new question of whether EMC's actions under the contract warrant contract termination. Questions regarding contractor performance, payment and termination are matters of contract administration, which are for consideration by the contracting agency, not our Office. 4 C.F.R. § 21.3(f)(1). Therefore, there is no basis for us to consider GTC's request.

GTC's reconsideration request is dismissed.



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