



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Federal Sales Service, Inc.--Request for
Reconsideration
File: B-222798.3
Date: July 23, 1986

DIGEST

Request for reconsideration is denied where protester raises no new facts or legal arguments which were not previously considered.

DECISION

Federal Sales Service, Inc. (FSS) requests that we reconsider our decision in Federal Sales Service, Inc., B-222798.2, July 1, 1986, 86-2 C.P.D. ¶ _____. We denied FSS's protest against the General Services Administration's (GSA's) policy of not soliciting automatic data processing (ADP) components under its ADP Multiple Award Schedule Contract program unless the components are used with hardware or software offered under the same contract by the same vendor.

FSS had contended that such a policy lessened the supply of competitive products and discriminated against those contractors who only offered components. We noted that GSA had broad authority over government procurement of ADP, and held that FSS had not shown that GSA's policy, which was based on the low dollar value of the components and potential warranty and service problems, was contrary to law or otherwise detrimental to the government's interest. In its request for reconsideration, FSS maintains that we did not address its contentions that GSA had accepted complete systems under FSC Group 70, part 1, section "C," but then allowed contractors under that section to sell components separately from the systems and, that, GSA had contracted for ADP components with other suppliers under FSC Group 70, part 1, section "B."

We deny the request for reconsideration.

Under our Bid Protest Regulations, a request for reconsideration must contain a detailed statement of the factual and legal grounds upon which reversal or modification of a decision is deemed warranted and must specify any errors of law made in the decision or information not previously considered. 4 C.F.R. § 21.12(a) (1986). 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. Sunset Realty Sales Associates--Request for Reconsideration, B-221390.2, May 27, 1986, 86-1 C.P.D. ¶ 488.

Here we did not overlook FSS's contentions about systems and other contractors offering components under FSC Group 70, part 1, sections "B" and "C." We addressed FSS's concerns in our discussion of GSA's policy on acceptance of ADP components for multiple-award schedule contracts. We noted that although GSA generally will not accept offers of ADP components, it makes an exception in the case of a vendor offering components for use with hardware or software provided under schedule by the same vendor. Implicit in such an exception are systems and other contractors under FSC group 70, part 1, sections "B" and "C," who offer components used with hardware or software under the same contract. As we noted in our decision, GSA makes an exception for such firms because they are responsible for warranties and maintenance. GSA believes the use of components acquired from vendors who do not supply the hardware/software will result in warranty and service problems between the hardware/software supplier and the component supplier to the detriment of the government customer.

Since FSS has raised no new facts or legal arguments which were not previously considered, its request for reconsideration is denied.

for *Seymour Efron*
Harry R. Van Cleve
General Counsel