



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Wilkinson Manufacturing Company--
Reconsideration
File: B-225810.2
Date: May 4, 1987

DIGEST

Request for reconsideration of a protest against agency's allegedly improper refusal to provide protester with a copy of a solicitation is denied. Protester does not show any errors in prior decision dismissing protest because agency had initiated debarment proceedings against the firm, and pending a decision, the firm is not eligible for award of a government contract.

DECISION

Wilkinson Manufacturing Company requests reconsideration of our dismissal of its protest in Wilkinson Mfg. Co., B-225810, Mar. 23, 1987, 87-1 CPD ¶ , concerning the award of a contract under invitation for bids (IFB) No. DAAA09-84-B-0323. The solicitation, issued by the Department of the Army's Armament, Munitions & Chemical Command, Rock Island, Illinois, was for a quantity of 60 millimeter mortars.

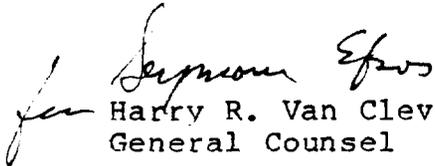
In its protest, Wilkinson alleged that the agency improperly had refused to provide it with a copy of the solicitation before the February 19, 1987 bid opening date. We dismissed the protest because even if we had found the agency's action improper, Wilkinson would not have been eligible to receive an award, as the Army had initiated debarment proceedings against it.

In its reconsideration request, Wilkinson maintains that since these proceedings were not initiated until February 27, 1987, i.e., after bid opening, there had been no reason for the agency to exclude the firm from the procurement. Additionally, Wilkinson expresses its belief that the debarment proceedings will be resolved in its favor before award. The agency, however, informs us that it anticipates making award within the next 30 days; that

the debarment proceedings remain pending; and that the protester's counsel has requested a 30-day extension of these proceedings.

Our Office will consider a request for reconsideration of a prior decision only where the requester presents information indicating that the decision was legally erroneous or failed to take into account all facts presented. 4 C.F.R. § 21.12(a) (1986); GTC Group--Reconsideration, B-218447.5, July 9, 1986, 86-2 CPD ¶ 46. Wilkinson's arguments negate neither the facts considered nor the propriety of our legal conclusion based on those facts. A firm for which debarment proceedings are pending is precluded from receiving any government contracts. See Federal Acquisition Regulation, 48 C.F.R. § 9.406-3(c)(7) (1986); Semtex Industrial Corp., 65 Comp. Gen. 503 (1986), 86-1 CPD ¶ 367. The fact that the proceedings may have been initiated after bid opening therefore does not change our conclusion that the firm lacks sufficient interest in the protested procurement for our Office to consider the protest. See 4 C.F.R. § 21.1(a).

We deny Wilkinson's request for reconsideration.


Harry R. Van Cleve
General Counsel