



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: ESS Corporation--Request for Reconsideration

File: B-226960.2

Date: September 17, 1987

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### DIGEST

Request for reconsideration is denied where protester presents no new arguments or information in support of its position that prior decision was erroneous.

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### DECISION

ESS Corporation requests reconsideration of our decision ESS Corp., B-226960, July 20, 1987, 87-2 CPD ¶ 68, in which we denied a protest by ESS under Department of Interior invitation for bids (IFB) No. 7-SI-30-05660/DS-7708. We deny the request.

ESS argued in its protest that an award of a contract to Plateau Electrical Constructors, Inc. was improper because Plateau had qualified its bid by specifying an equipment manufacturer, rendering the bid nonresponsive. We held that this was not a qualification of Plateau's bid but, rather, was information of a general nature, and that it did not render the bid nonresponsive.

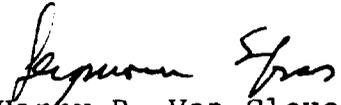
In its reconsideration request, ESS challenges our decision on two grounds: (1) since the equipment manufactured by the firm specified in Plateau's bid allegedly would not meet the specifications, naming the firm in the bid as the equipment manufacturer constituted an offer of unacceptable equipment rendering the bid nonresponsive; and (2) our decision incorrectly concluded that the ability of the manufacturer to furnish acceptable equipment was a matter of responsibility instead of responsiveness.

ESS' reconsideration request is really no more than a restatement of its original protest grounds. Regarding the first point, at the core of our reasoning in the decision was our position that specifying an equipment manufacturer when not required to do so, as here, is distinguishable from specifying an unsolicited model or part number; whereas a specific model of equipment has characteristics that

presumably are being offered when the model is specified in a bid, a manufacturer presumably is capable of building equipment to the detailed specifications in the solicitation, even if the manufacturer normally manufactures equipment not meeting those specifications. ESS has cited no authority to the contrary. We thus reiterate that Plateau's bid was responsive, and that Plateau's ability to perform as required is a matter of responsibility, not responsiveness.

While ESS may disagree with our decision, it has presented no new arguments or information in support of its position that our decision was erroneous. Under these circumstances we have no basis for reconsidering the protest. See Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1987).

We affirm our prior decision.

  
ja Harry R. Van Cleve  
General Counsel