



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Winston Corporation--Request for
Reconsideration
File: B-229735.3
Date: October 4, 1988

DIGEST

Request for reconsideration is denied where requesting party disagrees with prior decision of General Accounting Office but does not show errors of fact or law or information not previously considered that warrants reversal or modification.

DECISION

Winston Corporation requests reconsideration of our decision in Winston Corporation, B-229735.2, Jul. 26, 1988, 88-2 CPD ¶ 85, in which we denied its protest against the Department of the Air Force's determination pursuant to Office of Management and Budget (OMB) Circular A-76 that the Air Force could perform its protective coating management program at Davis-Monthan Air Force Base, Arizona, at a lower cost than Winston under invitation for bids (IFB) No. F02601-87-B0027.

In its original protest, Winston contended that the Air Force failed to include the costs of sandblasting in its in-house estimate and that since Winston had bid \$60,750 to provide these services this amount should be deducted from its bid price. In denying Winston's protest, we found that although the Air Force's Most Efficient Organization had failed to provide for the performance of sandblasting services that the Air Force, as a result of Winston's administrative appeal, had adjusted its in-house estimate by arranging to contract out the IFB sandblasting services at 30 cents per square foot.

The crux of Winston's arguments on reconsideration is that the Air Force cannot obtain the IFB sandblasting services at the price stated in the quotation submitted to us by the Air Force. Winston contends that the 30 cents per square foot figure is below the average costs for "commercial" grade sandblasting. Winston also contends that the quotation presented by the Air Force does not specifically refer to

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the IFB requirements and that therefore it does not demonstrate that the sandblasting services being quoted are within the IFB's scope of work.

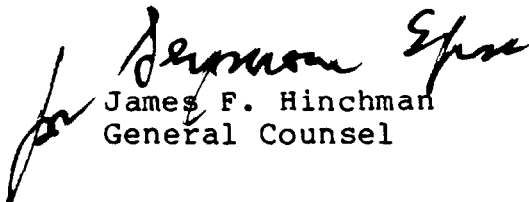
The standard for reconsideration is that the requesting party must show that our prior decision contains either errors of fact or law or information not previously considered that warrant its reversal or modification. Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1988). While Winston disagrees with our prior decision, it does not demonstrate that we erred in finding that the Air Force had provided for the performance of the sandblasting services at 30 cents per square foot.

As we found in our prior decision, the Air Force states that it adjusted its in-house estimate to provide for the performance of the required sandblasting services. The Air Force concluded that it would be more economical to contract out the sandblasting services and obtained price quotations from two local contractors. The written quotation provided to our Office documented a quote for the performance of sandblasting services at 30 cents per square foot. This is the figure which the Navy used to upwardly adjust its in-house estimate. Winston, however, argues that the Air Force cannot obtain the IFB sandblasting services at 30 cents per square foot and has submitted to us an affidavit of a self-employed sandblasting contractor in Colorado who alleges that he finds it implausible that "commercial" grade sandblasting could be performed for the price estimated by the Air Force. While Winston clearly disagrees that the Air Force can obtain sandblasting services at 30 cents per square foot, we do not find the government's estimate to be unreasonable. The government's estimate to contract out the IFB sandblasting services was based upon quotes from two contractors. Furthermore, the affidavit submitted by the protester does not state that the affiant reviewed the IFB requirements before rendering an opinion of the cost to perform the required sandblasting. Instead, the affiant notes that there are 10 gradations of sandblasting, of which "commercial blasting" is one, and that the affiant based his opinion of the estimated cost to perform sandblasting on commercial grade blasting.

Winston also argues that the quotation submitted to us by the government is not credible because it is not sworn and does not specifically reference the IFB requirements. We previously considered this argument in our prior decision. Disagreement with our prior decision or reiteration of previously rejected positions does not provide a basis for reconsideration. Sony Corp. of America--Reconsideration, B-225512.3, Apr. 10, 1987, 87-1 CPD ¶ 397.

Winston also argues that the government should be required to show clear and convincing evidence of sandblasting costs in order to correct its in-house estimate. Winston reasons that since bidders are held to a clear and convincing evidence standard in correcting their bids that the government should be held to the same standard to correct its in-house estimate. We do not agree. We have held that an agency may adjust its in-house estimate to correct the possibility that the government estimate was not based on the scope of work specified in the solicitation. Implicit in this procedure is the recognition that a government estimate provides a standard against which bids and proposals are evaluated and that the government estimate is not subject to the same rules as bids and proposals. Trend Western Technical Corp., B-212410.2, Dec. 27, 1983, 83-2 CPD ¶ 25. Unlike bids and proposals, the correction of which is governed by the Federal Acquisition Regulation (FAR), government estimates for cost comparison purposes are governed by OMB Circular A-76. As we recognized in Trend Western Technical Corp., the Circular empowers agencies to review and, where necessary, to correct the government's estimate. While any changes to the government estimate should be reasonably based on the scope of work, the standard which the FAR requires bidders to meet to correct their bids is not relevant to the question of whether an estimate of in-house costs is reasonably based.

The request for reconsideration is denied.


James F. Hinchman
General Counsel