



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Burrell Maier--Reconsideration
File: B-232086.2, B-232087.2
Date: December, 9, 1988

DIGEST

1. A dismissal is affirmed when a request for reconsideration is based on reiteration of previously rejected arguments.
2. An agency's attempt to increase the number of offerors is consistent with the Competition in Contracting Act's mandate that agencies obtain full and open competition.
3. General Accounting Office Bid Protest Regulations do not permit a piecemeal presentation of evidence, information or analysis. Where protester presents no evidence that the information on which it bases its reconsideration request could not have been presented prior to the closing of the original protest record, the request for reconsideration will not be considered.

DECISION

Burrell Maier requests reconsideration of our dismissal of his protests in Burrell Maier, B-232086, B-232087, Aug. 2, 1988, 88-2 CPD ¶ 112, concerning the award of a contract under request for quotations (RFQ) No. 8800-8-0017 (0117) and the rejection of his quotation under RFQ No. 8800-8-0016 (0116) issued by the National Park Service (NPS).

The agency withdrew RFQ No. 0016 and, on March 31, 1988, issued RFQ No. 0017 in its place. Because Mr. Maier knew that RFQ No. 0017 had been issued and did not protest the rejection of his quotation under RFQ No. 0016 until May 16, more than 6 weeks later, we dismissed his protest as untimely.

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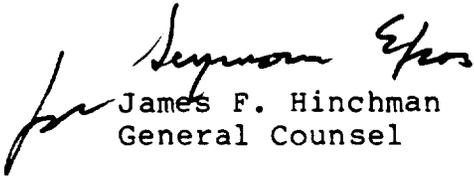
In his reconsideration request, Mr. Maier states he did not find out that NPS had issued RFQ No. 0017 until April 14, 1988. Nevertheless, Mr. Maier's May 16 protest is still untimely because he filed it more than 10 days after he knew the basis of the protest. See 4 C.F.R. § 21.2(a)(2) (1988).

Regarding RFQ No. 0017, Mr. Maier argued in his original protest that Kim Wood, the awardee, did not submit a breakdown of costs per item in the statement of work and therefore his quotation was unacceptable. We explained that since a contract was awarded for the entire effort specified in the RFQ, and because there was no requirement to quote on each item of work separately, the award was proper. Mr. Maier also alleged a conflict of interest between Mr. Wood and the NPS, which we found to be without merit because no bias or preferential treatment was alleged, and Mr. Maier only inferred and suspected potential conflict. See Chemonics International, B-222793, Aug. 6, 1986, 86-2 CPD ¶ 161. While the protester now suggests that we investigate this potential conflict, we point out that it is the protester that has the burden of affirmatively proving its case and that we will not conduct an investigation to establish the validity of the protester's speculations. See Diversified Contract Services, Inc., B-224152.2, July 27, 1987, 87-2 CPD ¶ 99. No evidence that such a conflict actually exists has been presented. Finally, Mr. Maier had alleged that the contractor failed to perform in accordance with the contract. We dismissed this issue as a matter of contract administration which we do not review. See Motorola Communications and Electronics, Inc., B-225613, Jan. 27, 1987, 87-1 CPD ¶ 91.

In his request for reconsideration Mr. Maier explains in more detail the bases of his original protest. His repetition of his earlier arguments shows that he simply disagrees with the conclusion in our prior decision. Mere disagreement, or reiteration of previously rejected positions, however, does not provide a basis for reconsideration. See Sony Corp. of America--Reconsideration, B-225512.3, Apr. 10, 1987, 87-1 CPD ¶ 397. Mr. Maier also objects to the NPS attempts to seek offerors other than Mr. Maier about which he learned from the agency's report on the reconsideration. The NPS decision to enhance competition is consistent with the statutory mandate in the Competition in Contracting Act, 41 U.S.C. § 253(a)(1)(A) (Supp. IV 1986), that contracting agencies obtain full and open competition. Thus, this aspect of the protester's request for reconsideration does not provide a basis for our Office to object to the procurement.

To the extent Mr. Maier presents additional information or arguments relating to his protest, there is no evidence that the information could not have been timely presented during our consideration of the initial protests. That information does not provide a basis for reconsideration, as our regulations do not permit a piecemeal presentation of evidence, information or analysis. AWD Mehle GmbH-Request for Reconsideration, B-225579.2 June 11, 1987, 87-1 CPD ¶ 584. We find no basis in the record to disturb our original decision.

The dismissal is affirmed.


for James F. Hinchman
General Counsel