

Timmerman



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Management Engineers, Inc.--Request for
Reconsideration

File: B-233085.3

Date: March 29, 1989

DIGEST

Request for reconsideration of decision denying protester's contention that agency incorrectly analyzed cost proposals and made award based on an undisclosed evaluation factor is denied where protester merely reiterates arguments raised in original protest.

DECISION

Management Engineers, Inc. (MEI) requests reconsideration of our decision Management Engineers, Inc. et al., B-233085 et al., Feb. 15, 1989, 89-1 CPD ¶ _____, denying its protest of the award of eight contracts to Kimely-Horn Research Institute (KHRI) under request for proposals (RFP) No. DTNH22-87-R-07226 issued by the National Highway Traffic Safety Administration for the operation of primary sampling units (PSUs) in support of the agency's National Accident Sampling System. The PSUs generate reports concerning the crashworthiness of vehicles based on accidents in the sampling area. We deny the request for reconsideration.

The RFP covered PSUs at 19 separate sites. The agency conducted technical and cost discussions with the offerors in the competitive range and requested revised proposals. After evaluating the revised proposals, the agency determined that only KHRI had a reasonable chance for award with respect to ten of the sites and therefore eliminated the other offerors. KHRI had either the highest or second highest rated technical proposal for each of the ten sites, and in all cases had the lowest evaluated cost, mostly by wide margins. The agency found that the technical differences among the proposals were not significant and cost therefore became the deciding factor. The agency asked KHRI for best and final offers and on September 29, 1988,

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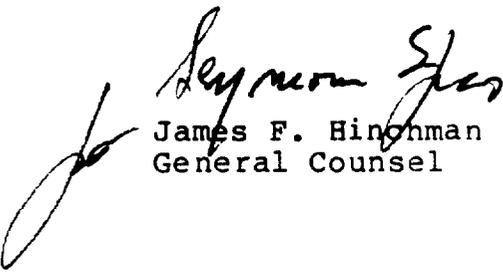
informed the firm that it was the successful offeror for the ten sites.

MEI argued that with respect to eight of the ten sites, the agency incorrectly evaluated the cost proposals in making the revised competitive range determination. It also argued that KHRI failed to comply with the requirement to submit a separate proposal for each site because the firm effectively submitted a combined proposal by offering a multiple site overhead discount. We reviewed the cost proposals and the agency's evaluation of them and found no reason to question the reasonableness of the agency's determination. We also disagreed with MEI concerning the alleged overhead discount since we found that KHRI in fact submitted separate proposals and that the agency evaluated each proposal separately. We stated that consideration of the discount overhead rate did not contravene the solicitation's requirement for separate proposals and we further failed to find that MEI was prejudiced in any way since the agency allowed KHRI to propose a reduced overhead rate only after determining that no other offeror remained in the competitive range.

In its request for reconsideration, MEI essentially disagrees with our determination that the agency's cost analysis was reasonable. It also reiterates its argument that the agency made award based on an undisclosed evaluation factor since it considered KHRI's reduced overhead rates in making award.

We found the agency's cost realism analysis reasonable. We also found that MEI was eliminated from the competitive range before the reduced overhead rates were considered by the agency. Moreover, we did not think the agency's consideration of the rates indicated the use of an undisclosed evaluation factor. Mere disagreement with our decision rejecting these arguments does not warrant reconsideration. Tek-Lite, Inc.--Reconsideration, B-227843.3 et al., Nov. 6, 1987, 87-2 CPD ¶ 455.

The request for reconsideration is denied.



James F. Hinchman
General Counsel