



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Jeffrey A. Cantor--Request for
Reconsideration

File: B-234250.2

Date: October 13, 1989

DIGEST

Request for reconsideration which essentially restates arguments previously considered, and does not establish that prior decision was based on error of fact or law, is denied.

DECISION

Jeffrey A. Cantor requests reconsideration of our decision, Jeffrey A. Cantor, B-234250, May 30, 1989, 89-1 CPD ¶ 517, in which we denied his protest against the National Commission for Employment Policy's (NCEP) award of a contract to the Institute for the Study of Adult Literacy, Penn State University, under request for proposals (RFP) No. 88-1. We deny the request.

In its prior protest, Cantor complained that the award was inconsistent with the evaluation scheme because the Institute was selected based on a finding that its proposed institutional support, outside reviewers, and other consultants outweighed the cost advantages of Cantor's proposal (Cantor's offered price was \$14,593, compared to \$27,360 offered by the Institute). We denied the protest, holding that the selection of the Institute for award was consistent with the most important evaluation factor, "quality and pertinence" of the technical approach. Recognizing that this standard established a broad standard, we concluded that it encompassed all aspects of an offeror's proposed methodology for preparing a quality final product, and that the expert reviews and institutional support proposed by the Institute thus came under this factor. Cantor also argued that he should have been given an opportunity to modify his proposal to offer the same expert review as the Institute. We rejected this argument on the ground that expert review, while a favorable feature of the Institute's proposal, was not a requirement under the

046844/139534

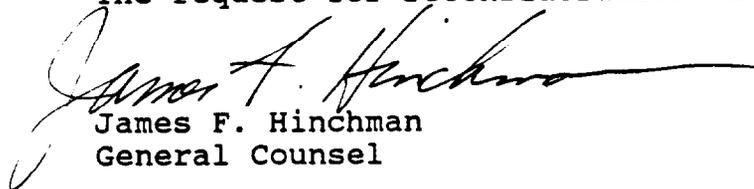
solicitation, and that its absence thus was not a proposal deficiency that was required to be included in discussions.

Cantor, in his reconsideration request, essentially reiterates the arguments he advanced during consideration of his original protest, namely, that discussions were inadequate because he was not apprised that more favorable consideration would be given to an offeror proposing expert panel review of the final product than one that did not. Cantor has not proffered any new information showing that our prior decision in this regard was founded upon legal or factual errors; instead, Cantor simply expresses disagreement with our prior decision. This is not a basis for reconsidering our initial decision. See 4 C.F.R. § 21.12(a) (1989); Carrier Joint Venture--Request for Recon., B-233702.2, June 23, 1989, 89-1 CPD ¶ 594 (reconsideration request denied where protester essentially expresses disagreement with prior decision and merely reiterates arguments previously rejected).

Cantor, for the first time in his reconsideration request, also questions the propriety of NCEP's evaluation of the Institute's proposal. Specifically, Cantor alleges that NCEP, in evaluating the Institute's best and final offer, failed to consider the Institute's planned replacement of one of the key employees with another less qualified individual.

A protester may not assert in a reconsideration request a new ground of protest that could have been raised during the course of its original protest; our Bid Protest Regulations require that each basis of protest be filed with our Office within 10 working days after the basis of protest is known or should have been by the protestor. 4 C.F.R. § 21.2(a)(2) (1989); see Adrian Supply Co.--Reconsideration, B-225630.3, Aug. 7, 1987, 87-2 CPD ¶ 136. Here, Cantor was aware of this basis of protest while his initial protest was pending; Cantor's comments on the original agency report on the protest indicated that Cantor was aware of the substitution, but Cantor never argued that this action amounted to an impropriety. Accordingly, Cantor's protest in this respect, raised for the first time in its reconsideration request filed several months after he received the report, is untimely and not for consideration on the merits. Id.

The request for reconsideration is denied.


James F. Hinchman
General Counsel