

11-15-89



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Digitize, Inc.--Reconsideration

File: B-235206.4

Date: November 13, 1989

DIGEST

Request for reconsideration is denied where protester makes no showing of any legal error and claimed factual errors fail to provide a basis for reversal of decision.

DECISION

Digitize, Inc., requests reconsideration of our decision of October 5, 1989, denying its protest of the Navy's decision to cancel and resolicit a requirement for radio fire alarm reporting equipment. Digitize, Inc., B-235206.3, Oct. 5, 1989, 89-2 CPD ¶ ____.

We deny the request.

In its protest, Digitize contended that cancellation of the invitation for bids (IFB) was improper because it was the low responsive bidder. We denied the protest based upon our finding that the Navy had used an outdated and restrictive specification which, among other things, called for separate radio fire alarm box transmitters and so-called interface panels to connect them to the existing fire alarm system. Since the specifications overstated the Navy's minimum needs, we agreed that cancellation and resolicitation of the requirement was justified and that award to Digitize was not justified.

In its request for reconsideration, Digitize generally disagrees with our decision and points to factual errors which it claims justify reconsideration of our decision. For example, Digitize complains that the specifications which the Navy stated exceeded its minimum needs and which were identified in the decision as "based upon unrevised 1981 specifications," are in part identical to the 1985 revision to those specifications. Digitize also disagrees with our identification of some of the differences between the 1981 and 1985 specifications. In general, Digitize

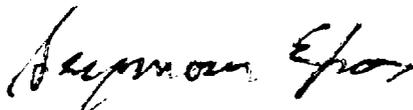
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argues that these and other matters raised in its protest establish bad faith on the Navy's part. We disagree.

In deciding Digitize's protest, we reviewed the entire record, considered all the matters it raised, and found no evidence of bad faith in the Navy's handling of this procurement. Our conclusion is not changed by the fact that a portion of the original statement of work is taken from the 1985 specification revision. The only 1985 specification identified by Digitize as appearing in the original IFB concerns control consoles which were not at issue in the original protest. The IFB's restrictive specifications that were at issue--regarding separate interface panels and radio transmitters--were, as stated in our decision, "based upon unrevised 1981 specifications." Digitize, Inc., B-235206.3, supra, at 2. Similarly, merely because not all aspects of the 1981 specifications were changed in the 1985 revision, does not establish that the specifications were not relaxed.

Our comparison of the original and revised specifications convince us that the Navy's original specifications overstated its minimum needs and thus, in this case, presented a compelling reason for canceling the IFB. Moreover, as we found in our prior decision, Digitize was not responsive to the original specifications and, in its request for reconsideration, has failed to substantively challenge that finding of nonresponsiveness.

We have considered all the matters raised by Digitize in its request for reconsideration and find none of them sufficient to warrant reconsideration of our decision. Accordingly, since Digitize has failed to make a showing of legal error or factual errors sufficient to provide a basis for reversal of our decision, the request for reconsideration is denied. See 4 C.F.R. § 21.12(a) (1989).

for 
James F. Hinchman
General Counsel