



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Planning Research Corp.--Request for  
Reconsideration

**File:** B-237201.4

**Date:** April 5, 1990

Scott Schoenfeld, Esq., Leonard, Marsh, Hurt, Terry, & Blinn, for the protester. John W. Van Schaik, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Request for reconsideration is denied where protester fails to show any error of fact or law which warrants reversal or modification of initial decision but essentially reiterates arguments considered and rejected in initial decision.

## DECISION

Planning Research Corp. (PRC) requests reconsideration of our decision Planning Research Corp., B-237201, B-237201.3, Jan. 30, 1990, 90-1 CPD ¶     , in which we denied its protest of the award of a contract to Science Applications International Corp. (SAIC) under request for proposals (RFP) No. DAEA18-89-R-0002, issued by the Army for professional/technical services in support of the Army's Information Systems Engineering Command.

We deny the request for reconsideration.

In its initial protest, PRC argued, among other things, that although the Army maintained that it did not hold discussions with any offeror, discussions in fact were held with the awardee, PRC and another unsuccessful offeror, Federal Electric Corporation (FEC). According to PRC, because of these discussions, under the RFP's evaluation scheme, the Army could not make award on an initial proposal basis to SAIC as the low cost technically acceptable offeror. In this connection, PRC argued that section M.9 of the RFP

provided alternative bases for award: (a) if no discussions were held, the award would be based on the acceptable offer with the lowest overall cost and, (b) if discussions were held, award would be based on a cost technical tradeoff.<sup>1/</sup>

In our initial decision, we found that no discussions were held with the awardee and rejected PRC's reading of section M.9 of the solicitation. We stated that the clause basically reflected the provisions of the Competition in Contracting Act of 1984 (CICA), 10 U.S.C. § 2305(b)(4)(A)(ii) (1988), allowing a contracting agency to make an award on the basis of initial proposals where the solicitation advises offerors of that possibility and competition or prior cost experience clearly demonstrates that acceptance of an initial proposal will result in the lowest overall cost to the government; we further stated that the clause provided for discussions if award were not to be made on an initial proposal basis. Since the record showed that all of the proposals were essentially equal from a technical and management standpoint, we did not object to award to the low cost offeror on the basis of initial proposals.

In its reconsideration request, PRC basically disagrees with our interpretation of the solicitation, again arguing that section M.9 provided alternative bases for award, depending on whether or not discussions were held with any offeror. PRC further argues that our initial decision "implicitly acknowledged" that the Army held discussions with FEC and therefore, under the solicitation, meaningful discussions should have been held with PRC and revised proposals should have been evaluated and award made pursuant to paragraph b, not paragraph a of section M.9. PRC asserts that if meaningful discussions had been held with it, it could have improved its proposal and, under paragraph b, it would have been in line for award.

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<sup>1/</sup> Section M.9 reads as follows:

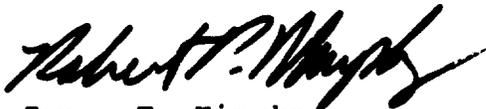
"a. IF DISCUSSIONS ARE NOT HELD, award will be made to that acceptable proposal which would result in the lowest overall cost to the Government.

"b. IF DISCUSSIONS ARE REQUIRED, basis for award shall be that acceptable offer whose evaluated total cost is not necessarily the lowest, but which is sufficiently advantageous to justify payment of additional amounts."

The established standard for reconsideration is that a requesting party must show that our prior decision contains either errors of fact or law or information not previously considered that warrants reversal or modification of the decision. See Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1989); Department of the Air Force, et al.--Request for Reconsideration, 67 Comp. Gen. 372 (1988), 88-1 CPD ¶ 357. Repetition of arguments made during the original protest or mere disagreement with our decision does not meet this standard. Id.

PRC has merely repeated arguments which it made in its original protest. We have carefully reviewed our decision in the context of PRC's arguments and we still disagree with the protester's position. As we stated in our original decision, there was no "special" provision in the RFP which altered the application to this procurement of the relevant portion of CICA or the implementing regulations concerning discussions. Under the circumstances, it was our view that even if it could be shown that discussions were held with any offeror other than the awardee, the protester did not suffer any competitive prejudice in the sense that it was treated unfairly vis-a-vis the awardee. See Southwestern Bell Telephone Co., et al., B-200523.3, Mar. 5, 1982, 82-1 CPD ¶ 203.

The request for reconsideration is denied.



*for*  
James F. Hinchman  
General Counsel