



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: CMC, Inc.--Reconsideration

File: B-245664.2

Date: February 10, 1992

Lester C. Cannain, Esq., for the protester.
Robert C. Arsenoff, 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 does
not show that prior decision dismissing its protest
contained errors of fact or law regarding its failure to
initially state a legally sufficient basis of protest.

DECISION

CMC, Inc. requests reconsideration of our decision, CMC, Inc., B-245664, Sept. 20, 1991, 91-2 CPD ¶ 265, in which we dismissed CMC's protest of the conduct of a procurement for computer-related maintenance services by Sandia National Laboratories as untimely in part and in part for failing to state a legally sufficient basis of protest.

We deny the reconsideration request because it provides no basis for reconsidering our prior decision.

CMC does not dispute our conclusion that several of its arguments were untimely. It does, however, question our conclusion that the matter should not be considered under the significant issue exception to our timeliness rules. It also disagrees with our conclusion that its allegation that the procurement was improperly reserved for the awardee and its argument that the agency failed to conduct adequate discussions were legally insufficient.

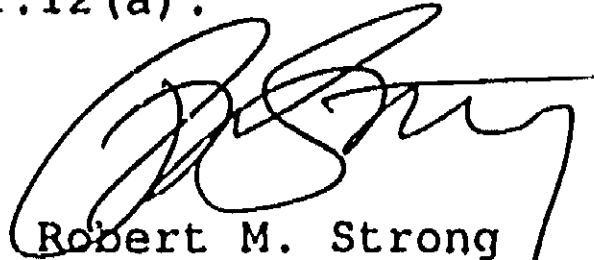
CMC argues that the subject matter of the protest is indeed important to the "procurement community," and should be considered as a significant issue.

CMC also argues that it provided sufficient background information in its protest to support its arguments considering the fact that the agency would not respond to its requests for information during the procurement.

As far as the significant issue exception to our timeliness rules is concerned, 56 Fed. Reg. 3759 (1991) (to be codified at 4 C.F.R. § 21.2(c)), CMC has made no showing that the conclusion in our initial decision not to invoke it was erroneous.

CMC's original protest letter did contain general background information concerning the incumbent's performance under a prior contract for similar services and Sandia's alleged failure to respond to CMC's requests for information concerning the procurement. The letter did not tie in this information to the unexplained contentions contained in the final paragraph of the section of the letter entitled "Legal Bases of Protest," that the procurement was a "sham" to "cover up" a sole-source to the incumbent or that meaningful discussions were not conducted. Thus, in our view, CMC's protest letter failed to include the required concise, logically arranged and clearly stated legally sufficient grounds of protest. Bid Protest Regulations, 4 C.F.R. § 21.1(e) (1991).

We have carefully reviewed our decision in the context of all of the matters raised by CMC in its reconsideration request and, in our view, the request does not show that our prior decision contained either errors of fact or law, nor does it present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a).



Robert M. Strong
Associate General Counsel