



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Camar Corporation--Reconsideration Request

File: B-249250.2

Date: April 1, 1993

James A. Mercanti for the protester.
Scott H. Riback, Esq., and John M. Melody, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Request for reconsideration is denied where request does not
set forth errors of fact or law or present information not
previously considered which would warrant reversal or
modification of earlier decision.

DECISION

Camar Corporation requests reconsideration of our decision
Camar Corp., B-249250, Nov. 2, 1992, 92-2 CPD ¶ 300, in
which we denied Camar's protest against the Defense
Logistics Agency's (DLA) rejection of Camar's offer of
alternate items for various specified steam pump spare parts
under request for quotations (RFQ) No. DLA750-92-Q-1891. In
its request for reconsideration, Camar maintains that our
decision failed to consider its argument that the original
equipment manufacturer (OEM) of the solicited parts
improperly had been allowed to modify its drawings for the
parts without government approval.

We deny the request for reconsideration.

The RFQ was issued to acquire various spare parts for steam
pumps manufactured by Warren Pumps, Inc., and competition
was limited to firms offering either OEM spare parts or
approved alternate parts. Because DLA did not have a
complete technical data package for the items, the
specifications were comprised solely of a listing of the
OEM's part numbers. The solicitation also contained DLA's
"products offered" clause, which permits firms to offer
alternate parts not manufactured by the OEM. Under that
clause, a firm offering alternate items must include with
its quotation a technical data package showing
interchangeability with the OEM items, and the latest OEM
technical data, if available, for evaluation and comparison
purposes.

Camar offered unapproved alternate items in response to the solicitation, and provided a technical data package which the agency found inadequate for source approval purposes. Specifically, DLA rejected Camar's alternate offer because Camar had provided a copy of the OEM's drawing No. BS-1192, revision No. 4, instead of the latest drawing for the parts. DLA also considered Camar's product data inadequate for the agency to make an interchangeability determination.


We denied Camar's protest on the basis that (1) DLA properly rejected Camar's offer for failing to include adequate OEM technical materials, and (2) Camar's offer also properly could be rejected--even if the firm had furnished the latest OEM technical data--based on other deficiencies in Camar's data package.

Camar argues that we failed to consider its argument that OEMs could revise their drawings without government approval solely for the purpose of making it difficult or impossible for nonapproved sources to have updated OEM information, and thereby preclude approval of such alternate products.

We will reconsider a decision only where the requesting party either shows that our prior decision contained errors of fact or law, or presents new information not previously considered, which would warrant reversal or modification of the decision. 4 C.F.R. § 21.12(a) (1992); Sunbelt Properties, Inc., B-245729.5; B-245729.6, June 18, 1992, 92-1 CPD ¶ 528. Camar has not met this standard.

As noted above, our decision turned on two conclusions. First, DLA properly found that Camar had not provided the necessary OEM data. Second, even if Camar had furnished the OEM data, its offer still lacked adequate technical data relating to its own product; DLA would have been unable to make an interchangeability determination given the incomplete nature of Camar's own technical data package. Our decision did not discuss the issue raised by Camar in its reconsideration request because, even had we agreed with Camar, our conclusion--that Camar's proposal properly was rejected for informational deficiencies concerning its own product--would not have changed. We will not consider such academic issues. Caddell Constr. Co., Inc., B-249879; B-249879.2, Nov. 24, 1992, 92-2 CPD ¶ 375. Accordingly, there is no basis for reconsidering the matter.

The request for reconsideration is denied.


for James F. Hinchman
General Counsel