



Comptroller General
of the United States

350:12

Washington, D.C. 20548

Decision

Matter of: Astro-Valcour, Inc.--Reconsideration

File: B-257485.2

Date: December 14, 1994

DECISION

Astro-Valcour, Inc. requests reconsideration of our decision in Astro-Valcour, Inc., B-258485, Oct. 6, 1994, 94-2 CPD ¶ , in which we denied its protest challenging the terms of invitation for bids (IFB) No. 2FYP-DW-94-0004-S, issued by the General Services Administration (GSA) for paper shipping sacks.

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

Although Astro-Valcour requests reconsideration on the ground that this Office made several "significant factual errors," the protester in essence repeats arguments it made previously and expresses disagreement with our decision. As explained below, we find each of the protester's contentions completely unsupported by the record.

ALLEGED MISCHARACTERIZATION OF PROTEST

Astro-Valcour maintains that the first factual error was our "mischaracterization" of Astro-Valcour's grounds of protest; the protester asserts that our decision did not address the "mismatch between the pallet sizes and unit of issue," and that our decision did not answer Astro-Valcour's assertion that the IFB contained "ambiguous and conflicting" specifications.

The protester's position lacks any support. First, our decision specifically advised that "Astro-Valcour challenges the specified unit of issue quantities and pallet size specifications as ambiguous." Next, our decision set forth lengthy analysis and discussion of this precise issue, resulting in a reasoned conclusion that the challenged specifications were neither ambiguous nor otherwise objectionable.

ALLEGED MISREPRESENTATION OF PROTESTER'S REQUESTED RELIEF

Astro-Valcour contends that we misinterpreted the relief requested in its protest. We fail to see the basis for this assertion. As noted by the protester in its reconsideration request, the protest "[sought] a recommendation by [our Office] that GSA re-examine the pallet/unit of issue conflicts and ambiguity, and revise the IFB to eliminate such conflicts and ambiguities." During the resolution of the protest, Astro-Valcour suggested that one way to eliminate the ambiguities would be to permit bidders to subdivide the specified quantities into more than one pallet load. In turn, our opinion specifically addressed the basis for Astro-Valcour's requested relief--the allegedly ambiguous specifications. Notwithstanding Astro-Valcour's arguments to the contrary--and as evidenced by the discussion in our opinion--this Office carefully considered the agency's calculations and rationale on which the specified pallet dimensions and unit of issue count were based and found these figures to be reasonable.

ALLEGED MISCHARACTERIZATION OF PACKAGING/PALLET HISTORY

Astro-Valcour argues that we improperly concluded that there was no established commercial industry packaging and palletization practice. Our conclusion was based on both the protester's and GSA's representations. For example, the protester introduced evidence that other bidders in previous procurements had submitted pallet loads which deviated from the challenged specifications. The protester also submitted a nine-item table demonstrating that the protester and its competitor utilized completely different pallet packaging standards--and that the GSA specifications did not reflect either contractor's pallet packaging practice. GSA in turn acknowledged that the agency had accepted differently packaged pallet loads in the past, and that every contractor's pallet packaging practice was different and individualized. Astro-Valcour's contention thus is simply unsupported by the protest record, and provides no basis for reconsideration.

UNIT OF ISSUE PRACTICE


Astro-Valcour suggests that the following paragraph set forth in our prior decision warrants reconsideration:

"In order to maintain an efficient inventory and delivery system which serves the needs of its many customers, and to procure items at the lowest possible price, GSA now conducts all its inventory procurements in unit of issue quantities."

Based on this paragraph, Astro-Valcour contends that we "incorrectly implie[d] that the GSA once conducted procurements without specifying unit of issue quantities." We fail to see the relevance or basis for the protester's objection. In any event, the purpose of this paragraph was to explain the agency's basis for using a unit of issue quantity measurement--a basis which was clearly evident and explained in one of the protester's own submissions for the record--Cataloging and Technical Commodity Highlights--which explained the agency's "National Performance Initiative on Unit of Issue."

CONCLUSION

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision may contain either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a) (1994). That standard is not met here. Accordingly, the request for reconsideration is denied.


Robert P. Murphy
Acting General Counsel