

Linda Lebowitz



Comptroller General
of the United States

935228

Washington, D.C. 20548

Decision

Matter of: A & W Maintenance Services, Inc.--Recon.
File: B-258293.3
Date: August 24, 1995

DECISION

A & W Maintenance Services, Inc. requests reconsideration of our decision A & W Maintenance Servs., Inc., B-258293; B-258293.2, Jan. 6, 1995, 95-1 CPD ¶ 8, in which we denied its protest against the award of a contract to DCT Incorporated by the United States Customs Service under request for proposals (RFP) No. CS-94-035.

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

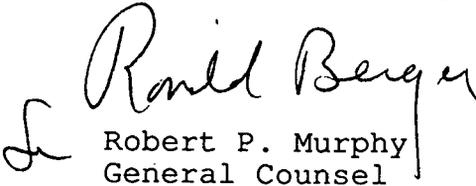
For the most part, the protester in essence repeats arguments it made previously and expresses disagreement with our decision. Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision may contain either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a) (1995). The repetition of arguments made during our consideration of the original protest and mere disagreement with our decision do not meet this standard. R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

A & W also repeats a contention which we did not directly address in our initial decision. A & W argues that, contrary to the solicitation, which stated that award would be made to the firm submitting the low-priced, technically acceptable offer, the contracting agency conducted a "comparative evaluation of proposals." A & W argues that the only way that its proposal should have been eliminated from the competition based on technical considerations under the technically acceptable, low-priced evaluation scheme set forth in the RFP was if the proposal was in fact found to be technically unacceptable, a determination which A & W states was not made. According to A & W, its proposal was found to be technically unacceptable based only on the technical score assigned to the proposal in comparison to the score assigned to the awardee's proposal.

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This contention provides no basis for reconsideration. Contrary to A & W's contention, its proposal was found by the contracting agency to be technically unacceptable since, as we explained in our initial decision, the proposal "[failed] to demonstrate an adequate understanding of the [statement of work] requirements for building maintenance services and to adequately describe its approach for performance of these requirements." As A & W argues, Customs scored the proposals and the evaluation reflects a comparison of the scores assigned to the two proposals. Nonetheless, since the contracting agency reasonably found that A & W failed to demonstrate within the four corners of its proposal that it was capable of performing the work, the scoring of the technical proposals was legally irrelevant.

The reconsideration request is denied.


Robert P. Murphy
General Counsel