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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-194941

DATE: October 12, 1979

MATTER OF: R.B.S., Inc.

DLG 0086

[Request for Increase in Contract Price Due to Alleged Bid Error]

DIGEST:

Request for reconsideration of decision is denied where it fails to specify error of law or information not previously considered.

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R.B.S., Inc., requests reconsideration of our decision in R.B.S., Inc., B-194941, August 27, 1979, 79-2 CPD 156, in which we denied the firm's request for an increase in price under a contract with the Defense Logistics Agency (DLA) for 45,000 tons of bituminous coal.

R.B.S.'s original request was based on an alleged error in its bid under the solicitation that resulted in the subject contract. R.B.S. contended that it mistakenly failed to include in the bid price a \$.35 per ton reclamation fee required by section 402(a) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95-87, 91 Stat. 457 (1977). However, we found that there was no mutual mistake by the parties, nor did the record show that the contracting officer should have been on notice of a possible unilateral mistake by R.B.S. On that basis, we held that the Government's acceptance of the bid consummated a valid and binding contract at the bid price, and we therefore denied the request for a price increase.

In its request for reconsideration, R.B.S. merely reiterates its position that relief should be available on the basis of a mistake in its bid. Arguments in support of that position were fully considered by our Office in the review that resulted in our August 27 decision. Since R.B.S. has failed to specify any error of law or information not previously considered, the request for reconsideration is denied. Reaction Instruments, Inc., B-189168, March 6, 1978, 78-1 CPD 170.

*reconsideration
price adjustments
Bid preparation*

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R.B.S. also asks that pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (1976), we make available to the firm all DLA records regarding that agency's approval or disapproval of contract claims related to the reclamation fee. However, the request should be directed to DLA rather than our Office, since we have no authority under that statute to determine what information should be disclosed by Government agencies. California Computer Products, Inc., B-195054, June 21, 1979, 79-1 CPD 448.

R. F. Kitter
Deputy Comptroller General
of the United States