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**DECISION**

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

FILE: B-201166.2

DATE: July 31, 1981

MATTER OF: Delta Systems Consultants, Inc.--  
Reconsideration

DIGEST:

1. Certain aspects of prior decision will not be reconsidered because reconsideration request presents no new information and does not demonstrate any factual or legal error regarding these matters, which would warrant modification or reversal.
2. Whether terms of contract are met is matter of contract administration, which is responsibility of procuring agency, not GAO. Further, awardee's contract performance is not valid basis to show agency's evaluation of awardee's proposal was improper.
3. Procuring agency's implementation of Office of Management and Budget Circular A-76 is matter of executive policy outside GAO's bid protest function.
4. Wholly conjectural assertions of serious misconduct by Government personnel in evaluation of proposals do not provide basis for GAO to investigate integrity of Government personnel.

Delta Systems Consultants, Inc. (Delta), requests reconsideration of our decision in the matter of Delta Systems Consultants, Inc., B-201166, June 23, 1981, 81-1 CPD \_\_\_\_.

In the prior decision we denied in part and dismissed in part Delta's protest against the award of a contract to NTS Research Corporation (NTS) under request for proposals No. AID/DSPE 1016, issued by the Agency for International Development (AID) for modifying and disseminating a Census Bureau computing

*[Request For Reconsideration]*

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system to various interested countries. We concluded that (1) AID's determination that NTS's proposal was superior to Delta's was not unreasonable, (2) there was no showing of AID's preselection of NTS or bias, (3) Delta was not prejudiced by AID's failure to communicate its changed requirement for the number of manuals, the schedule of workshop performance, and the funding level, and (4) Delta's contention that NTS was probably not a small business would not be considered on the merits since authority to conclusively determine small business size status is vested in the Small Business Administration.

On reconsideration, Delta argues that the prior decision should be reversed because, in its view, NTS was not sufficiently experienced in the required work, resulting in costly delays in modifying and disseminating the system. Delta also raises the same arguments, which were presented and considered in the prior decision. Delta contends that NTS's insufficient experience and AID's bias in favor of NTS resulted in NTS's failure to complete virtually every aspect of the required work within the time for performance. Further, Delta contends that AID has had to secure the assistance of the United States Census Bureau in an effort to insure that NTS would not fail; such action, in Delta's view, violates AID's policy for implementing Office of Management and Budget (OMB) Circular A-76. Finally, Delta states that NTS misrepresented the foreign language skills of its employees; based on NTS's performance, other misrepresentations were made, and AID knew or should have known about these misrepresentations at the time of proposal evaluation.

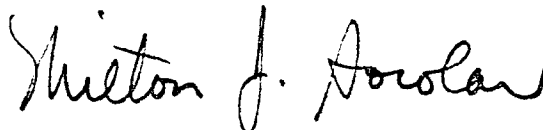
We find that Delta's arguments--concerning the sufficiency of NTS's experience, the relative merit of Delta's proposal compared to NTS's, and AID's alleged bias in favor of NTS--are essentially restatements of Delta's arguments in the prior decision. On these points, Delta has presented no new information and Delta has not demonstrated any error of fact or law in the prior decision that would warrant modification or reversal. Therefore, these aspects will not be reconsidered. Communications Company, A Division of E. F. Johnson Company--Reconsideration, B-198864, December 30, 1980, 80-2 CPD 447.

Further, NTS's contract performance is not a valid basis to show that AID's selection of NTS or AID's evaluation of NTS's proposal was improper. Moreover, whether the terms of the contract are met is a matter of contract administration, which is the responsibility of the procuring agency, not our Office. Home Oxygen & Medical Equipment, Inc., B-201370, December 29, 1980, 80-2 CPD 445.

As for Delta's belief--that AID should have selected a contractor instead of arranging for the Census Bureau's effort, violating AID's implementing policy of OMB Circular A-76--we have declined to consider protests concerning the propriety of the Government determination not to contract out on the basis that these determinations involve matters of executive policy outside the bid protest function of our Office. See, e.g., Jake O. Black, B-199564, August 6, 1980, 80-2 CPD 95; What-Mac Contractors, Inc., B-193155, November 3, 1978, 78-2 CPD 327; Willard Company, B-198384, April 22, 1980, 80-1 CPD 286.

Finally, we are not persuaded by Delta's unsupported assertions that NTS's proposal contained misrepresentations of which AID knew or should have known during the evaluation of proposals. Delta's remarks imply very serious misconduct by Government personnel and possible criminal action on NTS's part; however, Delta's presentation is wholly conjectural. We are not going to investigate the integrity of AID personnel based on Delta's bare allegations of serious impropriety. See Dataproducts New England, Inc.; Honeywell Inc., Tracor Aerospace, B-199024, January 9, 1981, 81-1 CPD 16. In view of Delta's lack of substantiating evidence, we find this aspect of Delta's reconsideration request to be unmeritorious.

Accordingly, the prior decision is affirmed.



Acting Comptroller General  
of the United States