

DOCUMENT ABSTRACT

02694 - [A1792816]

[Request for Reconsideration of Denial of Protest Regarding Technical Specifications of an Invitation for Bids]. B-187821. June 17, 1977. 1 pp.

Decision re: Ziegler, Inc.; by Milton Socolar, Acting Comptroller General.

Issue Area: Federal Procurement of Goods and Services: Definition of Performance Requirements in Relation to Need of the Procuring Agency (1902).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: General Government: Other General Government (806).

Organization Concerned: Federal Aviation Administration.

Authority: B-185605 (1976).

The protester requested reconsideration of decision denying its claim that only it was responsive to technical specifications contained in a solicitation. The protester failed to clearly demonstrate any error of fact or law; therefore, the prior decision was affirmed. (Author/SC)

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DECISION



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

FILE: B-187821

DATE: June 17, 1977

**MATTER OF: Ziegler, Inc.--Request for
Reconsideration**

DIGEST:

Where request for reconsideration of CAO decision fails to clearly demonstrate either errors of fact or law, decision is affirmed.

Ziegler, Inc. requests reconsideration of our decision in Ziegler, Inc., B-187821, April 25, 1977, 77-1 CPD 282, in which we denied its protest regarding Federal Aviation Administration's (FAA) IFBs AC3B-T-0009 and AC3B-T-0010, for engine generators. In making its request, Ziegler asserts that the technical specifications stated that the equipment "will be specifically designed to run at 1200 RPM (emphasis added)." Ziegler reiterates that only it was responsive to this requirement.

In part, our prior decision was based on our view that the solicitation was not written in a manner which required that a bidder offer engines specifically designed to operate most efficiently at 1200 RPM, provided that the offered equipment would operate at that speed and would meet all of the FAA's operating requirements. We have reexamined the specifications. The language the protester quotes to support its position that the equipment be "specifically designed" to operate at 1200 RPM does not appear in the solicitation. Moreover, the protester has not indicated where that language appears, although we requested that it do so.

Because Ziegler has failed to clearly demonstrate any error of fact or law, our prior decision is affirmed. Visor Builders, Inc., B-183605, July 22, 1976, 76-2 CPD 68.

Milton J. Fowler

Acting Comptroller General
of the United States