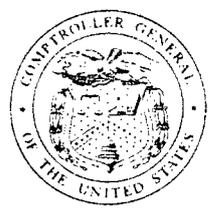


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DECISION



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

FILE: B-196813.2

DATE: May 6, 1981

MATTER OF: General Kinetics, Inc. - Reconsideration

DIGEST:

[Request for reconsideration] is denied since prior decision is not shown to have been founded on error of law or fact.

General Kinetics, Inc. (GKI), requests reconsideration of our decision in the matter of General Kinetics, Inc., B-196813, October 23, 1980, 80-2 CPD 312, wherein it protested award of a sole-source contract for 25 "heavy duty military electronic equipment enclosures" (cabinets) issued by the Naval Ocean Systems Center. In our decision, we found GKI not to be an "interested party" within the meaning of section 20.1(1) of our Bid Protest Procedures, 4 C.F.R. part 20 (1980), and dismissed the protest.

In requesting reconsideration, GKI states that we dismissed the protest because the Navy terminated GKI's contract and, therefore, GKI no longer was an interested party. GKI also states that our conclusion was premised on two erroneous assumptions: (1) the Navy's termination of GKI's contract was proper and (2) the termination made the Navy's activities during December 1978 to September 1979 lawful.

Our decision was premised on neither assumption. The decision that GKI was not an interested party for pursuing a protest with our Office, which was based upon the contention that its contract as originally awarded should have included additional quantities, was premised on the fact that the contract had been terminated. The decision made it clear that the propriety of that termination

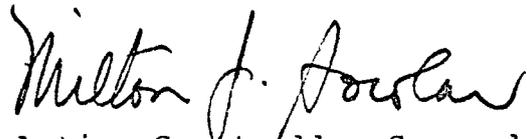
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was for resolution under the pending disputes clause proceedings. Therefore, we never reached the issues raised by the protest.

GKI has offered no evidence not previously considered in support of its request and has failed to show that our prior decision was based on any error of law or fact. 4 C.F.R. § 20.9(a) (1980). Interscience Systems, Inc., B-197000.2, October 27, 1980, 80-2 CPD 320.

Therefore, the request for reconsideration is denied.

A handwritten signature in cursive script that reads "Milton J. Fowler".

Acting Comptroller General
of the United States