

**DECISION**



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

**FILE:** B-220041.3 **DATE:** October 23, 1985  
**MATTER OF:** Sermor, Inc.

**DIGEST:**

Protest against award is dismissed where the bases of protest are the same bases as those previously presented to GAO (in a preaward protest) and dismissed as either insufficient or untimely.

Sermor, Inc., a small business, protests the award of a contract to Kan-Du Tool & Instrument Corp. (Kan-Du) under request for proposal (RFP) No. F09603-84-R-4072 issued by Warner Robins Air Logistics Center, Robins Air Force Base, Georgia (Air Force).


We dismiss the protest.

Sermor previously protested (B-220041) the Air Force determination that Sermor was not a responsible offeror for purposes of the instant RFP. We dismissed the protest after learning that the Air Force had referred the question of Sermor's responsibility to the Small Business Administration (SBA) and that SBA had declined to issue a certificate of competency (COC) to Sermor. Sermor then sought reconsideration (B-220041.2) elaborating on its initial objection to the Air Force nonresponsibility determination and alleging fraud by SBA. We affirmed the dismissal because of the absence of any showing that it had been the result of either errors of fact or of law, since Sermor's initial objection to the Air Force action was an insufficient statement of a ground of protest which could not be cured by providing an explanation in the course of requesting reconsideration and since the allegation of SBA fraud was untimely. Sermor, Inc.--Reconsideration, B-220041.2, Oct. 8, 1985, 85-2 C.P.D. ¶ \_\_\_\_.

Although the instant protest (B-220041.3) is couched in terms of an objection to the award to Kan-Du, Sermor's bases of protest remain the same, i.e., that Sermor is the low, responsive, responsible offeror and that, but for improper

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Air Force and SBA action, it would have received the award. These bases of protest have been dismissed before for the reasons stated above and will not be considered anew simply because an award has now been made to Kan-Du under the RFP.

A handwritten signature in black ink, appearing to read 'R. Strong', is positioned above the printed name.

Robert M. Strong  
Deputy Associate  
General Counsel