



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: DALFI, Inc. - Reconsideration
File: B-224248.2
Date: February 19, 1987

DIGEST

Prior decision is affirmed on reconsideration where the protester has not shown any error of fact or law which would warrant reversal of the decision.

DECISION

DALFI, Inc., requests reconsideration of our decision in DALFI, Inc., B-224248, Jan. 7, 1987, 87-1 C.P.D. ¶ _____, denying its protest against the evaluation of proposals under request for proposals (RFP) No. N00140-84-R-0439, issued by the Naval Regional Contracting Center (Navy), Philadelphia, Pennsylvania. The RFP solicited automated data processing and technical support services for the Navy's Metrology Automated System for Uniform Recall and Reporting (MEASURE). MEASURE is an automated system which inventories and tracks, on a worldwide basis, those Naval equipment items which require calibration. We found that the Navy provided a reasonable basis justifying award to Cerberonics, Inc., as the higher cost, but technically superior offeror, and that the record did not support DALFI's allegation that the Navy gave an improper preference to the incumbent, Cerberonics. For the reason discussed below, we affirm our decision.

In its request for reconsideration, DALFI contends that we ignored its contention that the Navy improperly considered extra-solicitation factors in deciding to award to the incumbent. Specifically, DALFI complains that we did not refer in our decision to a memorandum entitled "MOCC Norfolk Move Impact Report." DALFI contends the report shows that the Navy in its evaluation improperly considered perceived transitional problems resulting from a change of contractor.

Under our Bid Protest Regulations, a request for reconsideration must contain a detailed statement of the factual and legal grounds upon which reversal or modification of a decision is deemed warranted and must specify any errors of law

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made in the decision or information not previously considered. 4 C.F.R. § 21.12(a) (1986). Information not previously considered refers to information which was overlooked by our Office or information to which the protester did not have access when the initial protest was pending. Sunset Realty Sales Associates--Request for Reconsideration, B-221390.2, May 27, 1986, 86-1 C.P.D. ¶ 488. We considered the memorandum in the context of DALFI's contention that the Navy showed an improper preference for an incumbent contractor. The memorandum recited problems the Navy would face in transition if a new contractor took over the MEASURE program. We noted that nowhere in the evaluation documents was there any evidence that the Navy contracting officials considered transition costs in their selection decision, as alleged by DALFI.

In the portion of our decision discussing the Navy's cost/technical tradeoff, we addressed DALFI's allegation that the Navy felt at least a 10-percent differential between offers would be required to offset transition costs. It was clear that the Navy believed a 10-percent differential in cost between the two proposals would be necessary to offset the inherent technical superiority of Cerberonics' proposal, not transition costs as alleged by DALFI. Thus, we drew attention to the Navy's belief that additional government manhours would be expended if award were made to DALFI. We explained that the Navy anticipated significant savings because Cerberonics was expected to perform the required services in a more effective and efficient manner so that fewer contractor manhours would be spent on individual tasks, allowing a greater volume of completed work products within the specified level of effort. Since this related to differences in the offerors' experience, a principal evaluation criterion, we held the contracting officer could properly consider it. Mere disagreement with our prior decision provides no basis for reversing the decision. Vicinay International Chain Co., Inc.--Request for Reconsideration, B-222602.3, Aug. 5, 1986, 86-2 C.P.D. ¶ 155.

Since DALFI has not shown any error of fact or law in our prior decision, it is affirmed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel