



The Comptroller General
of the United States

Washington, D.C. 20548

J Melody - PL

Decision

Matter of: Emerald Maintenance, Inc.--Reconsideration
File: B-225735.2, B-225736.2, B-225737.2
Date: July 6, 1987

DIGEST

Request for reconsideration is denied where protester reiterates argument from original protest, which was rejected in General Accounting Office's decision, but presents no argument or information establishing that decision was legally or factually erroneous.

DECISION

Emerald Maintenance, Inc. requests reconsideration of our decision Emerald Maintenance, Inc., B-225735, et al., May 6, 1987, 87-1 C.P.D. ¶ ____, in which we denied Emerald's protests that estimates in three Department of the Navy solicitations for military housing repair and maintenance were not based on the best information available and that these inaccurate estimates led to material unbalancing of the first and second low bids. We deny the request.

We denied Emerald's protest based on our finding that the agency had in fact developed the estimates with reference to the best information available: past ordering experience, changes in maintenance standards, availability of funds, and any changes in planned improvement projects. Given our conclusion that the estimates were reasonably founded, there was no basis for finding the low bids materially unbalanced.

Emerald argues on reconsideration that we erroneously concluded that the Navy based the estimates on the best information available. This argument is based on the Navy's failure to compile and consider information on the actual quantities ordered under prior contracts.

Emerald's position is essentially a restatement of an argument asserted in its original protest, and rejected in our decision. Emerald specifically argued in its protest that the Navy's refusal to compile and review manually 95,000 documents on actual quantities of work ordered in the past constituted a failure to rely on the best information

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available. While we did not specifically respond in our decision to this assertion, our endorsement of the Navy's reliance on past experience and expertise in developing the estimates implicitly rejected it. Our rationale was simply that we believe it would be unreasonable to require the agency to expend the time and money necessary to compile and review vast numbers of documents where, as here, the agency has access to and relies upon other valid information that has not been shown to be significantly less reliable.

In its reconsideration request Emerald basically disagrees with our finding in this regard, but presents no argument or information establishing that our conclusion is legally or factually erroneous. Accordingly, we deny the request for reconsideration. See 4 C.F.R. § 21.12(a) (1986).

for Seymour E. ...
Harry R. Van Cleve
General Counsel