



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Columbia Research Corp.--Request for
Reconsideration
File: B-227802.2
Date: February 18, 1988

DIGEST

Reconsideration request is denied where the protester has presented no evidence that prior decision was based on factual or legal errors.

DECISION

Columbia Research Corp., requests reconsideration of our decision in Columbia Research Corp., B-227802, Sept. 24, 1987, 87-2 CPD ¶ 295, in which we denied Columbia's protest against the award of a contract to Aquidneck Management Associates, Ltd., under request for proposals (RFP) No. N666604-86-R-5205, issued by the Naval Underwater Systems Center for technical services.

We deny the request.

Columbia originally protested that Aquidneck did not propose the requisite number of individuals for assignment to the position of systems engineer, and generally questioned whether the personnel proposed by Aquidneck met the minimum education and experience requirements set forth in the RFP's statement of work.

Although we found that Aquidneck had in fact proposed 11 individuals for the position of systems engineer, 2 fewer than required, we held, first, that it was unclear whether that was inconsistent with the terms of the RFP (since the RFP seemed to be drafted in terms of man-hours rather than staffing levels); and, second, that even if the Navy's acceptance of Aquidneck's approach were considered to be a relaxation of a solicitation requirement, this had no effect upon the award decision since it concerned the cost of only two employees, and Columbia's proposed cost was \$2.65 million higher than Aquidneck's.

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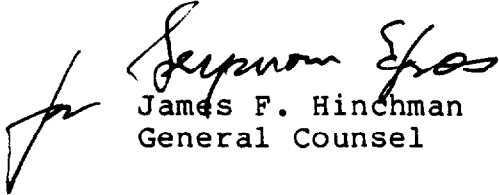
Similarly, we held that although two of the individuals proposed by Aquidneck for the position of systems engineer had bachelor of science degrees in mathematics rather than in science or engineering, as the RFP specified, this minor deviation had no effect on the award decision; Columbia was not prejudiced by the minor relaxation of these requirements since, even had Columbia been advised of the relaxation, it was inconceivable that similar changes in its personnel would have significantly reduced Aquidneck's \$2.65 million cost advantage.

Columbia principally argues on reconsideration that our Office erred in finding that the firm was not prejudiced by the agency's relaxation of material solicitation requirements. The submissions filed in connection with its initial protest, Columbia states, demonstrated that its cost would have been substantially lowered had it been afforded the same opportunity as Aquidneck to propose fewer key personnel, each possessing lesser credentials than required.

We find that Columbia's reconsideration request essentially restates arguments considered in our original decision, specifically, that it could have substantially reduced its proposed cost if afforded the same opportunity as Aquidneck to offer fewer personnel with lesser academic degrees. There remains no support for this position. As in its initial protest, Columbia offers only conclusionary statements regarding the potential cost impact of the Navy's actions; specific evidence regarding actual cost savings to be achieved through the elimination of certain key personnel and the replacement of others with individuals having different or lesser educational backgrounds than required still has not been presented. We thus find no basis for altering our conclusion of no prejudice.

Moreover, Columbia's argument is based on an incorrect reading of our decision as endorsing the agency's relaxation of all personnel and educational requirements in accepting Aquidneck's proposal; Columbia urges that prejudice this would have to be determined based on possible Columbia cost reductions had these requirements also been waived for Columbia. In fact, our decision was based on our finding of only two relatively minor deviations from the personnel and educational requirements--a possible failure to cost two (or, according to Columbia, three) systems engineers, and a failure of two employees to possess the precise academic degrees required--and not on a finding that the requirements had been waived in their entirety. Thus, our analysis of possible prejudice to Columbia focused on whether Columbia, if given an opportunity to adjust its proposed cost based on a similar minor deviations, reasonably could have overcome Aquidneck's \$2.65 million cost advantage. We concluded that

Columbia could not, and we find no basis now for concluding otherwise. As Columbia has not presented evidence that our decision was based on legal or factual errors, we deny the request for reconsideration.


James F. Hinchman
General Counsel