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The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Vacco Industries--Reconsideration

File: B-230036.2

Date: June 30, 1988

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### DIGEST

Request for reconsideration that primarily reiterates previously rejected arguments does not provide a basis for reconsideration of our original decision.

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### DECISION

Vacco Industries requests reconsideration of our decision Vacco Industries, B-230036, Apr. 21, 1988, 88-1 CPD ¶ 393, in which we denied in part and dismissed in part its protest of the award to Velk Industries of a contract for the repair and testing of air reducing manifolds aboard a Naval vessel under request for proposals (RFP) No. N00181-87-R-0155. In particular, Vacco objects to our failure to consider its argument that the Navy miscalculated its price, which the protester asserts was in fact low. We deny the request for reconsideration.

In our original decision, we declined to consider Vacco's argument that the Navy had miscalculated its price because we agreed with the Navy that Vacco's offer was technically unacceptable and would therefore have been ineligible for award even if its price had been low. Vacco had taken exception to a material requirement of the RFP a clause requiring the installation aboard ship of government-furnished parts manufactured by other than the original manufacturer.

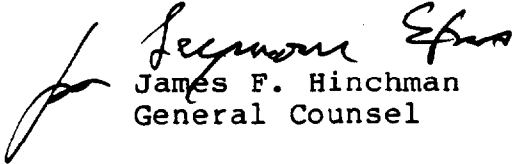
In its request for reconsideration, Vacco argues that we should not have declined to consider its argument regarding its price since the fact that its price was not low was the Navy's only basis for rejecting its offer. Vacco asserts that the Navy "unconditionally" accepted its offer and is therefore now precluded from finding it unacceptable.

We see no evidence to support the protester's assertion that the Navy found its offer acceptable. Rather, the record indicates that because the Navy had determined that Vacco's price was not low, the agency did not make a judgment as to the acceptability of its offer. In responding to Vacco's

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protest, the Navy subsequently determined that the offer was unacceptable because Vacco had taken exception to the material requirement in the solicitation. The Navy's position in this regard was clearly explained in its protest report so that Vacco had an adequate opportunity to, and did, respond to the agency's position in its protest comments. We agreed with the agency's position taken during the protest and the protester has submitted no new arguments which show that our decision was erroneous. Moreover, since Vacco's arguments essentially were considered in our prior decision, they do not provide a basis for reconsideration. Durable, Inc.--Reconsideration, B-228911.2, Dec. 31, 1987, 88-1 CPD ¶ 5.

The request for reconsideration is denied.

  
James F. Hinchman  
General Counsel