

Stikarew



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Idaho Norland Corporation--Reconsideration

File: B-230598.2

Date: August 1, 1988

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### DIGEST

Request for reconsideration is denied where the protester fails to show any error of fact or law that would warrant reversal or modification of prior decision, but essentially reiterates arguments initially raised and merely expresses disagreement with the original decision.

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### DECISION

Idaho Norland Corporation requests reconsideration of our decision in Idaho Norland Corp., B-230598, June 6, 1988, 88-1 CPD ¶ \_\_\_\_\_. In that decision, we dismissed as untimely Idaho's protest against allegedly overly restrictive specifications in request for proposals (RFP) No. 7PN-71756-G5/7FX, issued by the General Services Administration (GSA) for a gear-driven rotary auger snow plow/blower for use by the National Park Service at Mount Rainier National Park. We also denied Idaho's protest against GSA's rejection of the protester's offer as technically unacceptable, and declined to question the contracting officer's determination that the awardee's price was reasonable, since Idaho had not demonstrated that the determination was unreasonable and had not shown bad faith or fraud on the agency's part.

We deny the request for reconsideration.

The RFP included a specification requirement that the plow's rotary auger be gear-driven. The product offered by Idaho had a chain-driven auger and was therefore rejected by GSA as technically unacceptable.

Idaho argues on reconsideration that its own product has successfully met performance requirements that "substantially exceed" those in the present solicitation and that it is available for a lower price than the awardee's product. In support of this argument, Idaho has submitted several

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sets of specifications that the firm previously and successfully used in contracts for similar equipment supplied to various federal agencies, and a discussion of each.

The essence of Idaho's argument is that the specification for a gear-driven auger overstates the government's actual needs (since Idaho's equipment, with its chain-driven auger, allegedly meets more stringent performance requirements) and that the specifications were therefore unduly restrictive of competition; that Idaho's offered product should not have been rejected because it in fact could meet the agency's actual needs notwithstanding its failure to literally meet the specifications as written; and that the awardee's price was unreasonable because it was higher than Idaho's price and not justified by the awardee's costs.

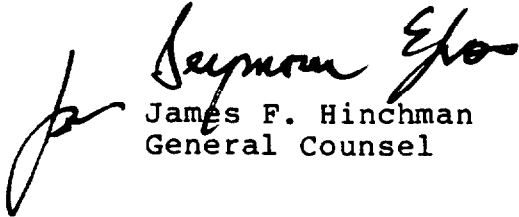
Each of these arguments was raised in Idaho's original protest and was addressed in our decision.

To obtain reversal or modification of a decision, the requesting party must convincingly show that our prior decision contains either errors of fact or of law or information not previously considered that warrant its reversal or modification. See 4 C.F.R. § 21.12(a) (1988); Roy F. Weston, Inc.--Reconsideration, B-221863.3, Sept. 29, 1986, 86-2 CPD ¶ 364. Repetition of arguments made during the resolution of the original protest or mere disagreement with our decision does not meet this standard. Id. In addition, our Office will not reconsider a decision on the basis of an argument previously considered but supported for the first time in a request for reconsideration by evidence that could have been furnished at the time of our original consideration. J.R. Youngdale Construction Co., Inc.--Request for Reconsideration, B-219439.2, Feb. 20, 1986, 86-1 CPD ¶ 176.

Here, we find that Idaho has simply reiterated its original protest arguments, with additional information that is irrelevant to the essential issue which we found dispositive in our initial decision. Specifically, the undisputed fact remains that Idaho did not protest the allegedly restrictive specification prior to the closing date for receipt of initial proposals and that Idaho offered a chain-driven product that did not meet a material specification requirement. We therefore have no basis to question GSA's rejection of the protester's offer as technically unacceptable. Further, concerning the price reasonableness of the awardee's offer, Idaho's own price is irrelevant since Idaho is not eligible for award, and Idaho has not shown any bad faith or fraud on GSA's part in connection with the determination that the awardee's price was reasonable; neither

has the protester offered any evidence showing that this determination was clearly unreasonable. In short, Idaho has not met the established standard for reconsideration.

The request for reconsideration is denied.

A handwritten signature in cursive script, appearing to read "James F. Hinchman".

James F. Hinchman  
General Counsel