



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of:

File: Access Innovations, Inc.--Request for  
Reconsideration  
B-232510.2  
Date: December 29, 1988

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### DIGEST

Prior decision dismissing protest as premature is affirmed where request does not establish any factual or legal errors in the prior decision.

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### DECISION

Access Innovations, Inc. requests reconsideration of our decision in Access Innovations, Inc., B-232510, Oct. 4, 1988, 88-2 CPD ¶ 321, in which we dismissed its protest against an anticipated contract for data preparation to be awarded by UNICOR, Federal Prison Industries, Inc. (FPI). FPI had informed our Office that it had not issued a solicitation at the time of the protest. We dismissed the protest as premature.

We affirm our prior decision.

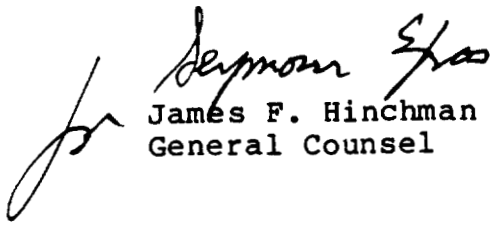
In its request for reconsideration, the protester takes exception to the statement in our decision that the FPI did not have a solicitation or other type of procurement action in process. Access Innovations contends that in fact a contract was awarded to another firm, and submits a letter it received from a Senator which states that a telephone call was placed to an FPI representative who stated that Access Innovations' proposal was given consideration but award was made to another firm.

We requested a report from FPI concerning the information given to the Senator. FPI provided us with a copy of its letter to the Senator, dated after the Senator's letter to the protester, which explains that FPI was conducting a market survey to ascertain sources for the data preparation work. The letter confirms FPI's repeated representation to our Office that no contract has been awarded and that a competitive procurement is planned. The initial information given to the Senator upon which Access Innovations relied

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was incorrect. We further understand that a solicitation has been issued and that Access Innovations is participating in the competition. A copy of this report has been furnished to Access Innovations and the protester has not challenged the FPI's report.

Since Access Innovations has not demonstrated that our prior decision is legally or factually incorrect, the decision is affirmed. 4 C.F.R. § 21.12 (1988).

James F. Hinchman  
General Counsel