



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: International Trade Commission--Request for
Reconsideration
File: B-231986.2
Date: February 24, 1989

DIGEST

Prior recommendation to reissue solicitation to resolve ambiguities is modified to permit agency to reissue requirement under section 8(a) of the Small Business Act because of reduced requirements and fact that needs can now be met by on-site training rather than at contractor's facility.

DECISION

The United States International Trade Commission (ITC) requests that our Office reconsider the corrective action recommendation in connection with our decision, Automation Management Consultants Inc., B-231986, Nov. 21, 1988, 68 Comp. Gen. ____ (1988), 88-2 CPD ¶ 494, sustaining Automation's protest against request for proposals (RFP) No. RFP-TC-88-002, issued by ITC for conducting courses to train personnel in the use of personal computers and software. We found that ITC had issued conflicting amendments which made the RFP specifications materially ambiguous, and we recommended that ITC reissue the solicitation resolving the conflicts and ambiguities in order to provide adequate specifications of its requirements. In addition, we awarded Automation the costs of filing and pursuing the protest. For the reasons outlined below, we modify the corrective action recommendation.

In its request for reconsideration, ITC states that it conducted a survey to reassess its automation training needs in preparation for implementing our recommendation. This survey indicated that ITC's training requirements have diminished substantially, due in part to the delay occasioned by the protest, and the fact that many ITC directors have obtained or will shortly obtain automation training for their personnel on an individual basis since they could not wait for a contract to be awarded under a reissued solicitation.

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In addition, because of the diminished demand there is no longer any requirement for two of the five courses which were included under the original solicitation. In all, the total number of employees who will require training will be less than half the number originally contemplated. As a result, ITC has concluded that its on-site training facilities will be adequate for the training. The original solicitation required the offerors to provide training at their own facilities.

Because of those changes, and because of ITC's desire to expedite the procurement process, ITC had determined that the requirement could be satisfied by reissuance as a set-aside under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982). ITC requests that our Office modify our recommendation to permit such a resolicitation. The protester was provided with a copy of ITC's request and has not objected or responded in any manner. In view of the changed requirements, we find that our original recommendation is no longer appropriate, and we approve ITC's request. See Defense Technology Corp.; Department of the Navy--Requests for Reconsideration, B-229972.2; B-229972.3, Sept. 21, 1988, 88-2 CPD ¶ 273.

Our recommendation is modified accordingly. Our award of protest costs stands.

for Milton J. Fowler
Comptroller General
of the United States