



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: William B. Jolley--Request for
Reconsideration
File: B-233789.2
Date: May 24, 1989

DIGEST

Request for reconsideration is denied where the protester fails to specify any errors of fact or law or information not previously considered that warrant reversal or modification of the prior decision.

DECISION

William B. Jolley, requests reconsideration of our decision in William B. Jolley, B-233789, Mar. 14, 1989, 89-1 CPD ¶ 269, in which we dismissed its protest against the Department of Housing and Urban Development's (HUD) use of small purchase procedures and noncompetitive awards to acquire appraisers, inspectors, and credit examiners. We deny the request for reconsideration.

In the initial protest, without protesting a particular procurement, Jolley argued that the Federal Acquisition Regulation prohibited HUD's use of small purchase procedures to acquire appraisers, inspectors, and credit examiners.

Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551 (Supp. IV 1986), GAO's bid protest jurisdiction is limited to protests concerning the solicitation by an executive agency of bids or proposals for the procurement of property or services and a written objection by an interested party to the proposed award of a contract. Because the HUD program essentially involved prequalifying inspectors and appraisers to be utilized by private lending institutions and did not involve the solicitation or proposed award of a contract, we held that Jolley's protest against the prequalification procedure, and its general objection to HUD's practices under the program, did not constitute a reviewable protest.

Further, while HUD acknowledged that small purchase procedures are utilized to acquire credit examiners, we

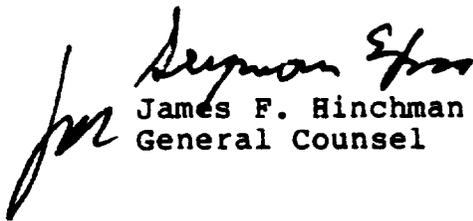
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found that Jolley was not an interested party to challenge the use of small purchase procedures. As indicated previously, Jolley did not protest a specific procurement. Moreover, HUD reported that Jolley has never applied to become qualified as an appraiser, inspector, or credit examiner. Since Jolley had never attempted to compete for a credit analysis contract, we could not conclude that Jolley was being adversely affected by HUD's use of small purchase procedures to acquire these services.

In its request for reconsideration, Jolley contends that our decision was rendered without considering its comments filed in response to HUD's unsolicited comments dated March 6, 1989, which we received on March 7, 1989. In reaching our decision issued on March 14, 1989, we did not consider HUD's additional comments. Therefore, Jolley's additional comments rebutting the agency's March 6 comments are not for consideration.

In order 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); Idaho Norland Corp.--Reconsideration, B-230598.2, Aug. 1, 1988, 88-2 CPD ¶ 103. Repetition of arguments made during the resolution of the original protest or mere disagreement with our decision does not meet this standard. The remainder of Jolley's request for reconsideration falls in this category and does not require reconsideration of our prior decision.

The request for reconsideration is denied.


James F. Hinchman
General Counsel