

Schatz



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Roth Bros., Inc. -- Reconsideration
File: B-235539.2
Date: September 15, 1989

DIGEST

Request for reconsideration of prior decision is denied where protester fails to show any error of fact or law that would warrant reversal or modification of prior decision.

DECISION

Roth Bros., Inc., requests reconsideration of our decision Roth Bros., Inc., B-235539, Aug. 2, 1989, 89-2 CPD ¶ ____, wherein we denied Roth's protest that Matika Electric and Construction Company failed to meet the definitive responsibility criterion set forth in invitation for bids (IFB) No. DACA27-89-B-0035, issued by the Army Corps of Engineers for installation of fluorescent lighting fixtures. We deny the request.

The IFB required each bidder to provide documentation of at least three previously completed projects of a scope similar to the present project. To satisfy the solicitation's experience requirement, Matika submitted information on three similar projects, and agency technical personnel submitted a memorandum to the contracting officer stating the reasons it found Matika met the solicitation's experience requirement. After evaluating this information, the Army found the firm to be responsible and awarded it the contract.

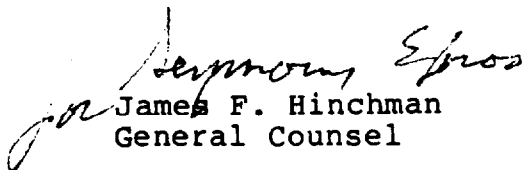
Roth argued that Matika lacked the specified experience, as confirmed by its own alleged post-award review of the three listed projects. We denied the protest on the ground that the Corps reasonably had determined, based on a review of the three projects, that Matika satisfied the experience requirement. We also held that the contracting officer was not required to investigate further based on the unconfirmed alleged findings of Roth's investigation, since there was nothing on the face of the information Matika furnished that brought its accuracy into question.

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In its request for reconsideration, Roth again argues that Matika should have been rejected as nonresponsible because it is not clear that the firm in fact possesses the experience required in the solicitation. Again, specifically, Roth contends that doubts raised by its own investigation of the three projects should have prompted the contracting officer to undertake an additional independent investigation.

Roth's reconsideration request merely repeats contentions previously raised and considered in our prior decision. As indicated, we specifically found in our previous decision that the contracting officer had reasonably concluded that Matika met the definitive responsibility criterion, based on the listed three locations. We also held that since there was nothing on the face of the information submitted to the contracting officer prior to award to cast doubt on the truth of that information, the Army had no reason, and was not required, to undertake an independent investigation of these projects. Roth's mere disagreement with our previous decision and reassertion of its prior position does not constitute evidence of factual or legal errors in our decision, and thus does not warrant reconsidering this matter. Sal Esparza, Inc.--Request for Reconsideration, B-231097.2, Dec. 27, 1988, 88-2 CPD ¶ 624.

Accordingly, the request for reconsideration is denied.


James F. Hinchman
General Counsel