



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sigma General Corporation--Reconsideration
File: B-236870.2
Date: February 23, 1990

Charles L. Newman, for the protester.
Barbara C. Coles, Esq., and Christine S. Melody, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Request for reconsideration is denied where protester fails to show error of fact or law or information not previously considered that would warrant reversal or modification of prior decision; mere restatement of arguments previously considered or disagreement with the initial decision is not sufficient to warrant reconsideration.

DECISION

Sigma General Corporation requests reconsideration of our decision, Sigma Gen. Corp., B-236870, Dec. 14, 1989, 89-2 CPD ¶ 553, denying Sigma's protest challenging the rejection of its bid as nonresponsive under invitation for bids (IFB) No. N62474-89-B-2535, issued by the Naval Weapons Center for a fiber optics distribution system.

We deny the request for reconsideration.

The Naval Weapons Center rejected the protester's bid as nonresponsive on the basis that to the extent that the principal named on the bid bond (Sigma General Corporation) differed from the name on the bid form (Sigma Electronics), the bid bond was defective.

In its original protest, the protester challenged the agency's determination that its bid was nonresponsive, claiming that it in fact was responsive because the name used in the bid documents (Sigma Electronics) and the name used in the bid bond (Sigma General Corporation) referred to the same legal entity. In this regard, the protester stated

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that the Data Universal Numbering System (DUNS) number noted in the bid form indirectly identified its firm as Sigma General Corporation d/b/a Sigma Electronics. Moreover, the protester claimed that the Employer Identification Number (EIN) supplied in the bid form belonged only to Sigma General Corporation.

In our decision, we held that a contracting officer should not be required to conduct an investigation to determine whether the different named entities, that is, the party submitting the bid and the principal listed on the bid bond, are in fact the same. We pointed out that the bidder bears the primary responsibility for properly preparing its bid documents in such a fashion that the contracting officer may accept the bid with full confidence that an enforceable contract conforming to all requirements of the IFB will result. See Outdoor Venture Corp., B-235056, June 16, 1989, 89-1 CPD ¶ 571.

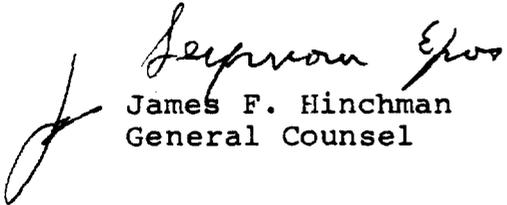
In its reconsideration request, the protester essentially reiterates the arguments it made in the original protest, stating that even though its bid probably was ambiguous, the contracting officer could have researched further by using the DUNS number and EIN to confirm that Sigma General Corporation and Sigma Electronics are the same legal entity. In this regard, the protester argues that its use of "Sigma" in the title block of both documents coupled with the fact that both the bid bond and the bid form had the same address should have alerted the contracting officer that the named entities were the same legal entity.

Under our Bid Protest Regulations, a party requesting reconsideration must show that our prior decision contains either errors of fact or law or that the protester has information not previously considered that warrants reversal or modification of our decision. See 4 C.F.R. § 21.12(a) (1989). The mere repetition of arguments made during the initial protest or disagreement with our decision, as the protester has done here, does not meet this standard. G&C Enters., Inc.--Reconsideration, B-233537.2, May 10, 1989, 89-1 CPD ¶ 439.

In any event, the protester fails to recognize that, as we explained in our prior decision, responsiveness must be determined at the time of bid opening and, in general, solely from the face of the bid and the materials submitted with the bid. As a result, since there was nothing in the bid submission that conclusively showed that Sigma General Corporation and Sigma Electronics refer to the same entity, the contracting officer was not obligated to interpret its ambiguous bid, by sequential logical deductions and

inferences, to make it responsive. See Atlas Contractors, Inc./Norman R. Hardee, a Joint Venture, B-208332, Jan. 19, 1983, 83-1 CPD ¶ 69.

The request for reconsideration is denied.


James F. Hinchman
General Counsel