

*Perry*



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Donald Clark Associates, Inc.--Reconsideration

**File:** B-238857.3

**Date:** October 17, 1990

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Donald M. Clark for the protester.  
Anne B. Perry, Esq., and John F. Mitchell, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

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## DIGEST

Request for reconsideration of prior decision is denied  
where protester fails to present evidence of any error of  
fact or law in prior decision.

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## DECISION

Donald Clark Associates, Inc. (DCA) requests reconsideration  
of our decision Donald Clark Assocs. Inc., B-238857;  
B-238857.2, Aug. 2, 1990, 90-2 CPD ¶     , wherein we denied  
DCA's protest against the award of a contract to Jenkins  
Memorial Center under request for proposals (RFP) No. 222-  
90-2012(P), issued by the National Center for Toxicological  
Research (NCTR) of the Department of Health and Human  
Services (HHS). Of the several issues raised in its initial  
protest, DCA's reconsideration request concerns only one:  
the realism of the awardee's cost proposal.

DCA reiterates its argument that it was improper for the  
contracting officer to permit Jenkins, in its cost proposal,  
to apply the handicap exemption to the current Service  
Contract Act (SCA) wage determination, which was incor-  
porated into the solicitation by amendment No. 4.1/ DCA  
argues that the contracting officer was required to evaluate  
all cost proposals on the same basis, and that it was  
improper to permit Jenkins to propose rates lower than  
those included in amendment No. 4.

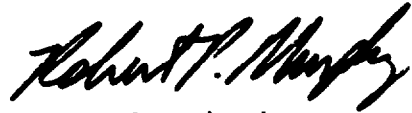
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1/ The handicap exemption is a Department of Labor certifi-  
cate which permits contractors employing the handicapped to  
pay them at a rate which is 85 percent of the SCA wage  
determination for the job.

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DCA's reconsideration request merely repeats a contention previously raised and considered in our prior decision. We specifically found that the contracting officer's cost realism analysis was reasonable and that Jenkins' proposed costs were properly reviewed in light of the DOL certificate of exemption from the Service Contract Act for handicapped organizations. DCA'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 our reconsidering this matter. Roth Bros., Inc.--Recon., B-235539.2, Sept. 19, 1989, 89-2 CPD ¶ 233.

The request for reconsideration is denied.



for  
James F. Hinchman  
General Counsel