

M. JORDAN



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Commercial Energies, Inc.--Second Request for Reconsideration

**File:** B-241031.4

**Date:** November 28, 1990

## DECISION

Commercial Energies, Inc. (CEI) requests that we reconsider our decision, Commercial Energies, Inc.--Recon., B-241031.3, Oct. 31, 1990, 90-2 CPD ¶ \_\_\_\_\_. We deny the request for reconsideration because it merely presents, in rephrased form, LEI's expression of its disagreement with our decision and its repetition of arguments which it made in its earlier reconsideration request.

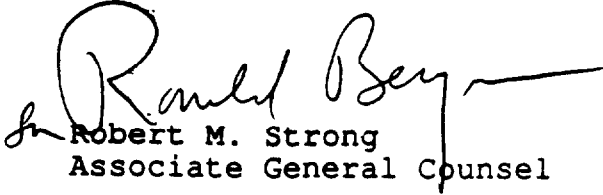
Under our Bid Protest Regulations, to obtain reconsideration the requesting party must show that our prior decision may contain either errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a) (1990). CEI's repetition of arguments made during our consideration of the original request for reconsideration and mere disagreement with our decision does not meet this standard. R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.1/

1/ In Commercial Energies, Inc., B-240148, Oct. 19, 1990, 70 Comp. Gen. \_\_\_\_, 90-2 CPD ¶ \_\_\_\_, we determined that the Walsh-Healey Act, which requires that contracts for supplies be awarded only to manufacturers or regular dealers, applies to procurements, such as that protested by CEI here, for the supply of natural gas. CEI originally protested that the decision not to set the procurement aside for small disadvantaged businesses (SDBs) was flawed because it was based on the "incorrect assumption" that SDBs are ineligible to perform because they are precluded by the Walsh-Healey Act. While CEI states in its request for reconsideration that "it would be able to submit an offer, certifying its status as an eligible contractor under the RFP and the controlling Small Business Administration [SBA] regulations regarding its status as an SDB and as to any Walsh-Healey Act requirements which are

(continued...)

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The second request for reconsideration is denied.

  
Robert M. Strong  
Associate General Counsel

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1/(...continued)

applicable (as determined by SBA)," it still does not allege that it qualifies as a manufacturer/producer or regular dealer under the Walsh-Healey Act.