

Turner

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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Power Engineering Contractors, Inc.--
Reconsideration

File: B-241341.2

Date: May 9, 1991

Brian J. Beckon, Esq., Gaw, Van Male & Smith, for the
protester.
Gregory H. Petkoff, Esq., Department of the Air Force, for the
agency.
Karen L. Turner and John Brosnan, Esq., Office of the General
Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where the principal
basis for the request was available but not submitted or
argued during consideration of the initial protest and where
the balance of the reconsideration request merely expresses
disagreement with prior decision.

DECISION

Power Engineering Contractors, Inc. requests reconsideration
of our decision Power Eng'g Contractors, Inc., B-241341,
Feb. 6, 1991, 91-1 CPD ¶ 123, in which we denied its protest
that the rejection of its bid as nonresponsive for failing to
acknowledge a material amendment was improper under invitation
for bids (IFB) No. FO4689-90-B-0005, issued by the Onizuka Air
Force Base, California for the repair of two portable
generators.

We deny the request for reconsideration.


We upheld the agency's action in rejecting Power's bid despite
the fact that Power did not receive the amendment. Contract-
ing agencies are not legally required to be guarantors that
documents they are obligated to furnish prospective offerors
will actually be received. By affidavit an agency official
described the process by which she mailed the amendment to the
protester, and we did not find that there were deficiencies in
this process.

The protester's contentions on reconsideration can be classified as either arguments which should have been made in the initial protest to our Office or arguments previously presented and considered in our decision.

Under our Bid Protest Regulations, a request for reconsideration must contain a detailed statement of factual and legal grounds upon which a reversal or modification of the initial decision may be warranted as well as specify any errors of law made or information not previously considered by this Office in rendering its prior decision. 4 C.F.R. § 21.12(a) (1990). Information not previously available means information not available to the protester when the initial protest was filed. See Signal Corp.--Recon., B-238507.2, Apr. 25, 1990, 90-1 CPD ¶ 424. Failure to make all arguments or submit all information available during the course of the initial protest undermines the goals of our bid protest forum--to produce fair and equitable decisions based on consideration of both parties' arguments on a fully developed record. Department of the Army--Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546.

Other than referring for the first time to one of our prior decisions and presenting allegations which either were or should have been made earlier, Power Engineering's reconsideration request in essence repeats arguments it made previously. We considered each issue raised by the protester and its mere disagreement with our previous decision does not constitute evidence of legal or factual errors which would warrant reconsidering this matter. Management Training Sys.--Recon., B-238555.3, Sept. 17, 1990, 90-2 CPD ¶ 219.

The request for reconsideration is denied.


for James F. Hinchman
General Counsel