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

Decision

Matter of: Professional Carpet Service--Reconsideration
File: B-243942.2
Date: January 22, 1992

Joan A. Estrada for the protester.
Kenneth R. Pakula, Esq., General Services Administration,
for the agency.
David Hasfurther, Esq., and Michael R. Golden, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DIGEST

Dismissal of protest is affirmed where the request for reconsideration contains no statement of facts or legal grounds warranting a reversal of the dismissal, but merely restates the protester's general argument which was considered and rejected by the General Accounting Office in its dismissal of the original protest.

DECISION

Professional Carpet Service (PCS) requests that we reconsider our decision in Professional Carpet Serv., B-243942, Sept. 10, 1991, 91-2 CPD ¶ 236. In that decision, we dismissed PCS' protest of alleged defects in solicitation No. GS-11P91MJD0020, issued by the General Services Administration (GSA). We found that one defect concerning the pricing of furniture removal in connection with carpet installation was rendered academic by an amendment to the solicitation after PCS' protest was filed. PCS offered no comment on the amendment, which was issued to prevent the possible double charging for removal and replacement of furniture that PCS had alleged would occur under the solicitation's original pricing scheme. We also dismissed as speculative the potential for overcharging for ancillary tasks for which the solicitation did not require pricing.

We affirm the dismissal.

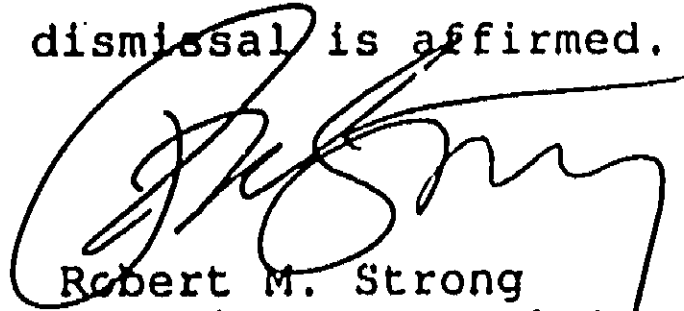
In its request for reconsideration, dated September 16, 1991, PCS initially addressed only the issue of "double charging" and then only to the extent of questioning whether we read the amendment and of stating, as it did in its protest regarding the unamended solicitation, that the amended solicitation would still permit the successful contractor to charge twice for the removal and replacement

of furniture when removing and installing carpet/carpet tile. PCS also has submitted a portion of a solicitation issued by the Department of Commerce for like services to indicate how GSA's solicitation should have been written. The Department of Commerce's solicitation, noting that carpet installation also normally involves furniture removal, requested prices for removal of carpet with furniture and installation without furniture. The solicitation contained language providing that the contracting officer is to ensure that the government is not charged twice for the removal and replacement of furniture.

We do not believe that PCS' request for reconsideration provides any basis for a reversal of our previous dismissal. Protesters are required in such a request to provide a statement of facts or legal arguments not previously considered that would warrant a reversal of the decision. 4 C.F.R. § 21.12(a) (1991). PCS has simply restated the general allegation that it made in its original protest without explaining why the alleged possibility of double charging was not remedied by the amendment to the solicitation. Simply by enclosing a solicitation issued by another agency that addresses the potential problem of double charging in a different manner does not remedy PCS' failure to challenge specifically or explain why GSA's amendment, which deleted the reference to furniture in the items to be priced and stated that the prices bid "should take into consideration the movement of furniture if necessary," is inadequate to prevent double charging.

In a letter of November 7, 1991, PSC, for the first time, requested reconsideration of our dismissal of its objection to GSA's failure to require fixed prices for certain other ancillary services. Our Bid Protest Regulations require that requests for reconsideration be filed within 10 working days after the basis for reconsideration is known or should have been known. 4 C.F.R. § 21.12(b). Since PCS knew this basis for reconsideration upon the receipt of our dismissal of the original protest, this portion of PCS' request for reconsideration is untimely.

Our dismissal is affirmed.



Robert M. Strong
Associate General Counsel