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

Decision

Matter of: Newsom Industries--Reconsideration

File: B-246185.2

Date: April 24, 1992

Jon C. Newsom for the protester,
Christina Sklarew, Esq., and Michael R. Golden, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DECISION

Newsom Industries requests reconsideration of our decision in NITCO, B-246185, Feb. 21, 1992, 92-1 CPD ¶ 212. In that decision, we sustained NITCO's protest against the elimination of its proposal from the competitive range under request for proposals (RFP) No. 1856, issued by the United States Geological Survey Water Resources Division in Hawaii for a truck-mounted drilling rig with related accessories and equipment. We concluded that the agency's evaluation of NITCO's proposal was not consistent with the evaluation scheme set forth in the RFP, and recommended that the agency either amend the terms of the RFP to express its requirements more accurately or to reevaluate the proposals as submitted based on the established evaluation criteria, appointing evaluation officials with the appropriate technical expertise.

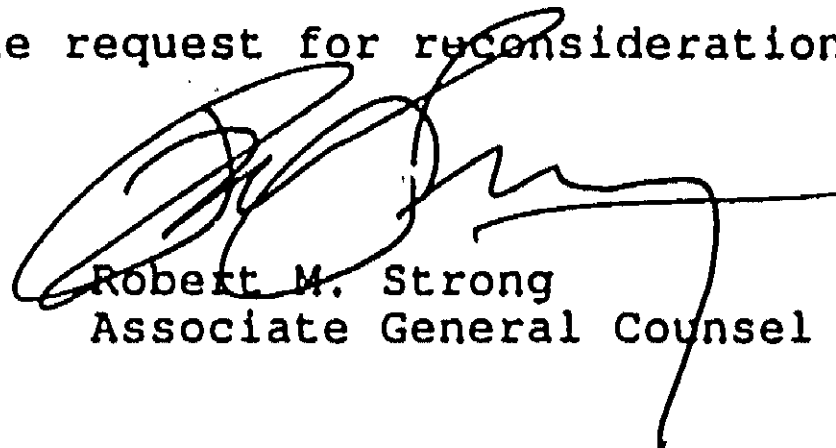
Newsom Industries was the awardee under the RFP and identified itself as an interested party during the course of the protest. Newsom submitted comments prepared by the manufacturer of the drill rig Newsom had offered, Gefco, expressing its opinion of the technical merits of NITCO's proposal. In its request for reconsideration, Newsom asks that we reevaluate the merits of the protest and reconsider the decision, claiming that NITCO's offered product did not meet the specifications and that its proposal did not provide sufficient information to satisfy the terms of the RFP. Newsom also complains that it sees no evidence in the decision that its original submission was considered, and asks that we consider it now.

We deny the request for reconsideration because the request provides no basis for reconsidering our prior decision. In essence, Newsom is repeating arguments it made previously

and expressing disagreement with our decision. 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) (1992). The repetition of arguments made during our consideration of the original protest and mere disagreement with our decision do not meet this standard. R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

We point out, further, that Newsom's arguments in its original comments and its reconsideration request are directed against NITCO's claim that its offered product was technically acceptable. Our decision addressed the question of whether or not the agency's technical evaluation of NITCO's proposal was consistent with the evaluation criteria established in the RFP. We found that the evaluation was not in accordance with the evaluation criteria and that the evaluators did not focus on the technical information submitted by NITCO. We thus found that the agency did not fairly consider NITCO's technical proposal and concluded that this impropriety necessitated reevaluation of NITCO's proposal. Newsom's opinion of the technical merits of NITCO's proposal had no bearing on this conclusion.

The request for reconsideration is denied.



Robert M. Strong
Associate General Counsel