



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Precision Photo Laboratories Inc.--
Reconsideration

File: B-251719.2

Date: September 27, 1993

Melvyn I. Kruger for the protester,
Barbara C. Coles, Esq., and Christine S. Melody, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Request for reconsideration is denied where protester does not allege errors of fact or law, or provide information not previously considered, which would warrant reversal or modification of earlier decision.

DECISION

Precision Photo Laboratories Inc. requests reconsideration of our decision in Precision Photo Laboratories, Inc., B-251719, Apr. 29, 1993, 93-1 CPD ¶ 359, in which we denied Precision's protest against the terms of request for proposals (RFP) No. 2-35224, issued by the National Aeronautics and Space Administration (NASA) for photographic materials.

We deny the request for reconsideration.


In its original protest, Precision generally argued that the specifications in the RFP were unduly restrictive of competition because they required offerors to submit prices on all contract line items and stated that a single award would be made under the solicitation. Precision contended that the requirement for a single award for all line items was structured to favor one supplier, Kodak. The protester stated that it was at a competitive disadvantage to supply one line item because its business arrangement with Kodak precludes Precision from offering Kodak products for resale. The protester also claimed that the single award scheme contemplated under the solicitation did not ensure that the lowest price would be obtained because Kodak can "charge the government any price."

In our decision denying the protest we concluded that the business arrangement between Precision and Kodak did not make unreasonable the agency's decision to procure the requirements from one contractor rather than multiple contractors. We also concluded that NASA reasonably decided that a single award under the solicitation is more cost effective than multiple awards. In its request for reconsideration, Precision does not challenge either of these conclusions; rather, Precision's request for reconsideration is limited to the restatement of its original allegation that it is unlikely that an offeror other than Kodak will submit an offer in response to the RFP.

Under our Bid Protest Regulations, to obtain reconsideration the requesting party must show that our prior decision contains 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) (1993). Repetition of arguments made during consideration of the original protest and mere disagreement with our conclusion do not meet this standard. R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

As discussed above, Precision essentially reiterates its dissatisfaction with the provision stating that a single award will be made under the solicitation and our conclusion that the agency's choice of a total package approach to meet its minimum needs was reasonable; however, Precision's reconsideration request--like its original protest--lacks any evidence that the agency's choice was unreasonable. Precision's mere disagreement with our assessment does not provide a basis for us to reconsider whether the total package approach was unduly restrictive of competition.

The request for reconsideration is denied.


for James F. Hinchman
General Counsel