



Comptroller General
of the United States

5081811

Washington, D.C. 20548

Decision

Matter of: Tennier Industries, Inc.--Reconsideration

File: B-252338.2

Date: November 19, 1993

DECISION

Tennier Industries, Inc. requests reconsideration of our decision, Tennier Indus., Inc., B-252338, June 18, 1993, 93-1 CPD ¶ 471, denying its protest against the award of a contract under request for proposals (RFP) No. DLA100-91-R-0574, issued by the Defense Personnel Support Center (DPSC) for extreme cold weather sleeping systems (ECWSS), which are essentially lightweight sleeping bags with improved protection against cold and moisture. The protester argued that the evaluation and award decision were unreasonable and inconsistent with the factors stated in the solicitation.

We deny the request for reconsideration because the request provides no basis for reconsidering our prior decision.

In its protests, Tennier protested the agency's failure to give its proposal a higher technical rating based upon its use of a material known as Gore-Tex, manufactured by W. L. Gore and Associates, one of two materials designated as acceptable by the solicitation; the awardee, Isratex, Inc., proposed to use the alternate material, known as Thintech and developed by the 3M Corporation. The protester raised several other issues, including the acceptability of the awardee's bid and the agency's acceptance of a letter of commitment from a subsidiary of the awardee.

In our decision denying the protest we concluded, among other things, that any objection to the acceptability of Thintech was clearly untimely and that beyond requiring the use of one of the two acceptable materials, the solicitation had contained no provision for evaluating the quality of the material proposed for use by offerors. We concluded that the awardee's listing of an incorrect source of supply under a clause intended to preclude the use of debarred or suspended firms as subcontractors did not constitute an exception to the terms of the solicitation, and that the agency reasonably found the awardee's proposal, which did not take otherwise limit, reduce or modify its obligation to perform in accordance with the statement of work, to be

acceptable. We also concluded that there was nothing improper in the agency's acceptance of a letter of commitment from a subsidiary of the awardee.

In its request for reconsideration, the protester in essence repeats arguments it made previously and expresses 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) (1993). 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 ¶ 274.¹

The request for reconsideration is denied.

Michael R. Golden

Michael R. Golden
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¹The protester has furnished recent test results, which it argues demonstrate that the Thintech material does not meet solicitation specifications. As stated in our earlier decision, this issue was untimely raised after receipt of initial proposals. Further, such test results would not be relevant to our assessment of the contracting officer's determinations, since these results were not before the contracting officer at the time the JFB was issued, nor when he made his award determinations. Accordingly, our decision is unchanged by this "new information."