



Comptroller General
of the United States

124217

Washington, D.C. 20548

Decision

Matter of: Meridian Management Corporation, Inc.--
Reconsideration

File: B-254797.3

Date: June 28, 1994

Michael A. Gordon, Esq., Holmes, Schwartz & Gordon, for the protester.
Joseph J. Petrillo, Esq., and Laurel A. Heneghan, Esq., Petrillo & Associates, for NAA Services Corporation; and Kenneth M. Bruntel, Esq., and Laura D. Koss, Esq., Crowell & Moring, for Omni Corporation, interested parties.
Robert S. Brock, Esq., Federal Emergency Management Agency, for the agency.
Paula A. Williams, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where the request contains no statement of facts or legal grounds warranting reversal of initial decision but merely restates arguments made by the requester in the original protest and previously considered by the General Accounting Office.

DECISION

Meridian Management Corporation, Inc. (MMC) requests that we reconsider our decision, Meridian Management Corp., Inc.; NAA Servs. Corp., B-254797; B-254797.2, Jan. 21, 1994, 94-1 CPD ¶ 167. In that decision, we found proper the Federal Emergency Management Agency (FEMA) award of a contract to Omni Corporation under request for proposals (RFP) No. EME-93-R-0389. We found that the evaluation and selection were reasonable and consistent with the evaluation criteria. We also found MMC's arguments that an unfair competitive advantage had been conferred on Omni by the chairman of the source evaluation board and that this individual was biased against other offerors, including MMC, were not supported by the extensive record developed during the course of the protest. MMC disagreed with our view that the evaluation and award were proper and argues that we ignored extensive evidence introduced by the parties in the written record and at the hearing. We deny the request for reconsideration.

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) (1994). Repetition of arguments made during our consideration of the original protest or 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.

In its reconsideration request, MMC disputes our finding that nothing in the record supports the allegations that the awardee gained a competitive advantage as a result of communications between its representative and the source evaluation board chairman or that agency officials demonstrated bias or preferential treatment towards Omni in the evaluation of proposals. The evidence to the contrary to which MMC points in its request for reconsideration, while not in every instance explicitly discussed in the prior decision, was fully considered and found unpersuasive; while MMC disagrees with our decision, it does not show that it is in error. MMC's mere repetition of its position does not justify reconsideration of our decision.

The only new issue raised in the request for reconsideration is MMC's assertion that Omni's refusal to furnish its telephone records of calls made to the source evaluation board chairman should serve as the basis for our Office to draw an adverse inference that oral communications between Omni's representative and the source evaluation board chairman improperly gave Omni an advantage over other offerors.

This assertion provides no basis for reconsideration. Omni's refusal to furnish its phone records was clearly known to MMC at the time the protest was being considered; nonetheless, MMC did not make this argument during the course of the protest. Failure to make all arguments or submit all information available during the course of a protest undermines the goals of our bid protest forum--to produce fair and equitable decisions based on consideration of the parties' arguments on a fully developed record--and cannot justify reconsideration of our prior decision. Department of the Army--Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546. In any event, we held a hearing and obtained extensive testimony from both the source selection official and the Omni president regarding the substance of

their phone conversations and other contacts. Based on the record, we could not conclude that the protester's allegations of wrongdoing were supported.

The request for reconsideration is denied.

Ronald Berger
for Robert P. Murphy
Acting General Counsel