



Comptroller General
of the United States

350158

Washington, D.C. 20548

Decision

Matter of: Jack Faucett Associates--Reconsideration

File: B-254421.3

Date: August 11, 1994

Jack G. Faucett for the protester.
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 requesting party merely expresses disagreement with our prior decision; General Accounting Office's resolution of protest without conducting a hearing does not constitute error warranting reconsideration of prior decision where protest record contained no inconsistent statements or evidence which suggested questionable or incomplete testimony by the contracting agency or that the record was otherwise incomplete.

DECISION

Jack Faucett Associates (JFA) requests that we reconsider our decision, Jack Faucett Assocs., B-254421.2, Feb. 18, 1994, 94-1 CPD ¶ 204, in which we denied its protest against the award of contracts to Battelle and DRI/McGraw-Hill under request for proposals (RFP) No. DTFH61-93-R-00055, issued by the Federal Highway Administration (FHWA) to obtain technical and program support services. The protester had contended that the evaluation of its best and final offer (BAFO) and the decision to select two higher-priced offerors were not justified by the record.

We deny the request.

To obtain reconsideration under our Bid Protest Regulations, 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). Neither repetition of arguments made during our consideration of the original protest nor mere disagreement with our decision meets this standard. Logics, Inc.--Recon., B-237411.2, Apr. 25, 1990, 90-1 CPD ¶ 420.

Here, the protester disputes our finding that nothing in the record would support the allegations that FHWA had impermissibly made an upward adjustment to its proposed labor costs or unreasonably evaluated JFA's proposed staffing plan and past performance. The evidence and arguments on which JFA relies in its request for reconsideration were previously considered; JFA's repetition of arguments it made previously or disagreement with our decision does not justify reconsideration of the prior decision.

The only new argument raised in the request for reconsideration is JFA's contention that it should have been granted a hearing pursuant to our Bid Protest Regulations to allow the protester to further pursue its protest allegations. This assertion provides no basis for reconsideration.

In appropriate cases, a hearing may be held to develop the protest record through oral testimony and/or oral argument; and, as specified in our Bid Protest Regulations, the determination to hold a hearing is solely within the discretion of our Office. 4 C.F.R. § 21.5(a). Generally, we conduct hearings where there is a factual dispute between the parties which cannot be resolved without oral examination of witnesses and which requires us to assess witness credibility, or where a protest issue is so complex that proceeding with supplemental written pleadings clearly constitutes a less efficient and burdensome approach than developing the protest record through a hearing. See, e.g., National Mailing Sys., B-251932.3, Aug. 4, 1993, 93-2 CPD ¶ 78. Absent evidence that a protest record is questionable or incomplete, this Office will not hold a bid protest hearing merely to permit the protester to orally reiterate its protest allegations or otherwise embark on a fishing expedition for other grounds of protest--a result that would undermine our obligation to resolve protests expeditiously without unduly disrupting or delaying the procurement process. Border Maint. Serv., Inc.--Recon., 72 Comp. Gen. 265 (1993), 93-1 CPD ¶ 473.

Despite JFA's contentions to the contrary, there was no evidence in the record to suggest that the agency report or any of the agency's supplemental submissions to our Office had been fabricated or otherwise contained incomplete or inconsistent statements. Rather, the record contains the agency's extensive explanation of the adjustments made to JFA's proposed labor costs, the evaluation documents, and the protester's detailed comments on the agency report. Since the record contained all relevant documents upon which the FHWA based its evaluation and JFA's counsel was provided access to these documents under a protective order issued by

this Office, there simply was no basis for us to conduct a hearing. See Blue Dot Energy Co.--Recon., B-253390.2, Nov. 4, 1993, 93-2 CPD ¶ 267.

The request for reconsideration is denied.

Robert P. Murphy
for Robert P. Murphy
Acting General Counsel