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Comptroller General
of the United States

Washington, D.C. 20548

100-1011

Decision

Matter of: Syon Corporation--Reconsideration

File: B-253944.3; B-258298.2

Date: November 10, 1994

DECISION

Syon Corporation requests reconsideration of our September 8, 1994, decision (B-253944.2; B-258298) dismissing its protests under General Services Administration (GSA) solicitation Nos. TFTP-92-BT-8409 (1992 solicitation), and TFTP-94-BT-8409, for epoxy materials (1994 solicitation).

We deny the request.

In its protests, Syon explained that it had competed for this requirement under the 1992 solicitation, and that award was made to Tra-Con despite the fact that Tra-Con's offered packaging system was not the tube and mixing pouch system specified in the solicitation. (Syon unsuccessfully protested this award to our Office.) Syon further explained that several Air Force activities ultimately placed orders with Syon due to the alleged failure of the Tra-Con product in the field; Syon also allegedly was informed that Tra-Con had not furnished the required tube and mixing pouch packaging system. After receiving the 1994 solicitation, which contained the same packaging system requirement, Syon was advised by GSA that it intended to also accept the Tra-Con packaging system. Syon concluded from this series of events that GSA was proceeding unethically, secretly changing the specifications to accommodate Tra-Con. Syon also protested GSA's failure to enforce the packaging requirement under the 1992 solicitation.

We dismissed the protest based on the documents furnished by Syon with its protests.¹ First, we declined to consider issues regarding the 1992 solicitation because we already

¹Syon maintains in its reconsideration request that we ignored a Freedom of Information Act (FOIA) request for documents included in its original protest. This is not correct. First, the protest submission to our Office included no FOIA request or other request for documents. Moreover, even if it had, our Office has no such documents.

had addressed, and dismissed, certain arguments in our prior decision, and the argument that the agency improperly failed to enforce the specifications under Tra-Con's contract was a matter of contract administration that we will not consider. Further, we found no merit in Syon's protest of the 1994 solicitation; whether or not the solicitation by its terms permitted the Tra-Con packaging system, Syon was specifically advised by GSA that the Tra-Con product would be acceptable. There also was nothing improper in relaxing the specification solely for the purpose of accepting the Tra-Con product, since agencies properly may use relaxed specifications.

In its reconsideration request, Syon maintains that we "ignored our specific issues and responded only to the ones [we] chose." It "insists" that we review its protest "issue by issue, and detail conclusions to every issue."

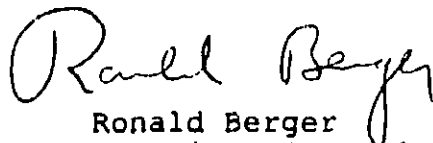
In order for our Office to reconsider a decision, the requester must provide a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.12(a) (1994). Syon has not met this standard. Our original decision did not "ignore" any issues discernible from Syon's protest submission. The submission did not list any clearly defined issues, but instead provided a narrative, as outlined above. From that narrative, along with conclusory statements by Syon, we pieced together what appeared to be the thrust of Syon's arguments. We have reviewed Syon's original protest correspondence and our interpretation of the information remains the same. To the extent that Syon believes we ignored or misinterpreted issues, it has not specified what they are.² Syon thus has provided no basis for us to reconsider this matter.

Syon's reconsideration request includes a demand for documents that we reviewed in reaching our decision, including notes from meetings and phone conversations. As stated above, the only documents considered in the original decision and this reconsideration were Syon's protest and reconsideration request submissions. There are no other

²Syon did request in its protest letter that we review "the business, contracting and ethical issues surrounding both the 1992 and pending 1994 solicitations." Our conclusions that there was nothing improper in the agency's approach to the 1994 solicitation, and that the issues concerning the 1992 solicitation were not for review by our Office, responded to this broad request.

documents, including notes from meetings or telephone conversations, relating to Syon's protest or reconsideration.

The request for reconsideration is denied.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in black ink and is positioned above the typed name and title.

Ronald Berger
Associate General Counsel