



Comptroller General  
of the United States

1144131

Washington, D.C. 20548

## Decision

**Matter of:** IRS Partners-Birmingham--Reconsideration

**File:** B-251931.9

**Date:** January 24, 1995

---

### DECISION

IRS Partners-Birmingham requests that our Office reconsider its denial of the firm's request for a finding of entitlement, pursuant to 4 C.F.R. § 21.6(e) (1994), to the costs of filing and pursuing a protest. The protest challenged certain aspects of the procurement process under solicitation for offers (SFO) No. MAL 92645, issued by the General Services Administration (GSA) for leased space for the Internal Revenue Service office in Birmingham, Alabama.

We deny the request for reconsideration.

Our decision denying the request for a declaration of entitlement to costs was based on our finding that the agency had not unduly delayed taking corrective action. CSL Birmingham Assocs.; IRS Partners-Birmingham--Entitlement to Costs, B-251931.4; B-251931.5, Aug. 29, 1994, 94-2 CPD ¶ 82. The corrective action, of which our Office received notice on February 15, 1994, entailed clarification of the evaluation criteria and a request for revised offers. We found that, for purposes of determining whether the corrective action was unduly delayed, the appropriate initial measurement point was January 3, 1994, the date on which IRS Partners first raised specific challenges to the application of the evaluation criteria, rather than November 5, 1993, when it filed a protest that focused on non-evaluation issues.

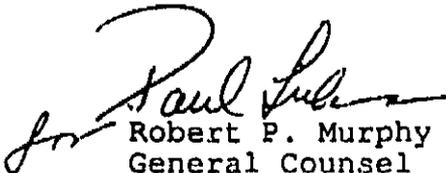
Our decision noted that the November protest contained a general assertion that "GSA [had not] properly and fairly evaluated the offers submitted by IRS Partners and others in accordance with the evaluation criteria stated in the solicitation." Because IRS Partners provided no support or explanation for that conclusory statement prior to January 3, however, and the record provided no indication that the broad allegation in the November protest was clearly meritorious, we concluded that there was nothing in the November 5 protest that would justify using that date to measure whether GSA unduly delayed taking corrective action in the face of a clearly meritorious protest. We found

that, in the factual circumstances of the protested procurement, the interval from January 3 to February 15 did not constitute undue delay, and we therefore determined that IRS Partners was not entitled to reimbursement of its protest costs.

Under our Bid Protest Regulations, a party requesting reconsideration must show that our prior decision contains either errors of fact or law or that the protester has information not previously considered that warrants reversal or modification of the decision. 4 C.F.R. § 21.12(a) (1994); R.F. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274. The repetition of arguments made during our consideration of the original protest and mere disagreement with our decision do not meet this standard. Id.

In its request for reconsideration, IRS Partners again argues that, since the November 5 protest alleged that the evaluation was inconsistent with the solicitation criteria and no protester can submit support for a challenge to an evaluation until after it receives the agency report, November 5 should be considered the point from which the agency's delay is measured. IRS Partners has not demonstrated any error of fact or law in our decision, nor has it raised any information not previously considered. Instead, it has done no more than repeat arguments already directly addressed in the decision. This does not constitute a basis to reconsider that decision.

The request for reconsideration is denied.

  
for Robert P. Murphy  
General Counsel