



Comptroller General
of the United States

4112812

Washington, D.C. 20548

Decision

Matter of: Stanley Aviation, Inc.--Reconsideration

File: B-256650.2

Date: December 27, 1994

DECISION

Stanley Aviation, Inc. requests reconsideration of our decision Stanley Aviation, Inc., B-256650, July 14, 1994, 94-2 CPD ¶ 23, in which we denied its protest against the award of a contract to Ace Services, Inc. by the Department of the Army under invitation for bids (IFB) No. DAK27-93-B-0064.

We deny the request for reconsideration.

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) (1994). 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.--Request for Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

Here, for the most part, the protester merely repeats arguments it made previously and expresses disagreement with our decision. For example, the protester argues, as it did in its protest, that Ace submitted two bids and that at bid opening an agency representative read a total bid price for Ace which differed from the eventual award price. We considered and rejected this contention in our original decision and Stanley's repetition of this argument provides no basis for reconsideration. R.E. Scherrer, Inc.--Request for Recon., supra.

Similarly, the protester argues, as it did in its protest, that the awardee offered wage rates lower than those in the Department of Labor's wage determination issued pursuant to the Service Contract Act (SCA). Again, Stanley has simply repeated an argument which it made in its protest and disagreed with our decision, which provides no basis for reconsideration.

Stanley also argues, for the first time, that it "knows for a fact that Ace does not provide fringe benefits to the employees working this contract as required by SCA wage determination" and that "overtime is not being paid at a premium as required by law." In this respect, Stanley is now arguing that Ace will not meet its obligations under the SCA. This is an issue of contract administration which is not for consideration by our Office. See 4 C.F.R. § 21.3(m)(1); Commercial Movers, Inc., B-216698, Oct. 22, 1984, 84-2 CPD ¶ 441.

In its original protest, Stanley argued that Ace's bid was unbalanced because of understated prices. In our decision, we explained that an allegation of understated prices, without any indication of overstated prices, offers no basis for concluding that an offer is mathematically unbalanced.¹ Hughes & Smith, Inc., B-250770, Jan. 22, 1993, 93-1 CPD ¶ 60. We concluded that there was no merit to this allegation because Stanley had not argued or shown that Ace's bid contained any overstated prices. In its reconsideration request, Stanley alleges for the first time that a comparison of two line items "will show either a significant overstatement or understatement of pricing." We assume that Stanley means that the price of one line item is overstated while the price of the other is understated, thus constituting an unbalanced bid.

To the extent that Stanley is now modifying its protest to allege that Ace's bid contained overstated and understated prices, its protest is untimely since it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest. 4 C.F.R. § 21.2(a)(2). Moreover, our bid protest procedures do not envision the piecemeal presentation of evidence, information or analysis since the failure to make all arguments or submit all information during the course of the initial protest undermines the goals of our bid protest function. RC 27th Ave. Corp.--Recon., B-246727.2, May 20, 1992, 92-1 CPD ¶ 455.

Finally, Stanley argues in its reconsideration request that Ace is not a responsible bidder. Because this basis for Stanley's request for reconsideration was available but not

¹A bid is mathematically unbalanced where it is based on nominal prices for some of the items and enhanced prices for other items. OMSERV Corp., B-237691, Mar. 13, 1990, 90-1 CPD ¶ 271.

submitted or argued during our consideration of the initial protest, it is not for consideration now. The Department of the Army--Request for Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546.

The request for reconsideration is denied.



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