



Decision

Matter of: Madison Services, Inc.--Reconsideration

File: B-255528.9

Date: June 5, 1995

DECISION

Madison Services, Inc. requests reconsideration of our decision, State Management Servs., Inc.; Madison Servs., Inc., B-255528.6 et al., Jan. 18, 1995, 95-1 CPD ¶ 25, in which we denied its protest of the award of a contract to All Star Maintenance, Inc. (Texas) under Department of the Air Force request for proposals (RFP) No. F64605-93-R-0019, for military family housing (MFH) maintenance services.

We deny the request.

In its protest, Madison alleged, among other things, that the Air Force improperly evaluated All Star's proposal under the experience factor by considering eight prior contracts performed by a company, All Star (California), no longer a part of All Star (Texas), the offering entity. We denied the protest on the bases that (1) All Star's proposal included a list of 28 prior maintenance services contracts over a 9-year period, most of which were performed on MFH, and there was nothing on the face of the information, or the proposal generally, which called into question whether the contracts had been performed by the offering entity; and (2) even if the protester were correct that the eight contracts were performed by a different company, there was no reason to believe that the agency would have downgraded All Star under this factor in light of the recency of the divestiture and the 20 remaining contracts listed in the proposal.

In its reconsideration request, Madison questions our conclusion that the agency properly evaluated All Star's proposal under the experience factor. Regarding the agency's reliance on the 20 contracts, Madison argues at length that those contracts could not have been performed by All Star (Texas) because the firm did not exist as a legal entity until its incorporation in January of 1993, and all but five of the contracts were awarded prior to that date.

We will not reconsider a prior decision where the reconsideration request is based on information or arguments which could have been, but were not, presented during our

consideration of the protest. See H H & K Builders, Inc.--Recon., B-238095.2, May 8, 1990, 90-1 CPD ¶ 458.

Madison specifically argued in its protest that eight of the contracts listed in All Star's proposal should not have been considered because they allegedly were performed by All Star (California). We therefore addressed this issue in our decision. Madison did not argue, however, that 15 of the 20 contracts in question should not have been considered in the evaluation because they could not have been performed by All Star (Texas). As Madison notes in its reconsideration request, it did include in a footnote in its comments on the agency report a reference to the 1993 date of All Star Texas's incorporation. However, Madison did not incorporate this piece of information into a specific argument that certain of the 20 contracts were not performed by All Star (Texas) and should not have been considered in the evaluation; rather, Madison makes this argument for the first time in its reconsideration request. Providing information on which a legal argument may be based is not the same as presenting the argument itself. Since this argument was not raised in the original protest, it is not now a basis for reconsidering our decision.¹ See H H & K Builders, Inc.--Recon., supra.

The request for reconsideration is denied.



for Robert P. Murphy
General Counsel

¹Even if the protester was correct that these contracts were performed by a predecessor/affiliate entity, this does not necessarily preclude their consideration in evaluating the awardee's experience. See Harris Corp. Broadcast Div., B-255302, Feb. 10, 1994, 94-1 CPD ¶ 107.