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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

[Request for Information and Investigation]

FILE: B-199662, et al. DATE: March 10, 1981

MATTER OF: Alan Scott Industries

DIGEST:

1. Protester must provide detailed statement of factual and legal basis for seeking reconsideration. GAO will not conduct, as part of protest function, investigation to establish validity of unsupported allegations.
2. Where protester believes that FOIA request will disclose factual and legal basis for reconsideration, application must be made directly to agency having custody of records.

Alan Scott Industries (ASI) has filed a request in connection with our decision in Alan Scott Industries, B-199662, et al., January 27, 1981, 81-1 CPD 44, which held that ASI had failed to show that the Defense Logistics Agency (DLA), Defense Personnel Support Center (DPSC), current procurement practices lacked a reasonable basis. Although styled a request for reconsideration, ASI's request appears instead to be: (1) a request for internal information in the custody of DPSC and/or DLA Headquarters and (2) a request that GAO obtain and investigate the requested information. Otherwise, ASI merely expresses disagreement with our position and fails to set forth either a factual or legal basis upon which to reconsider our decision.

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Our Bid Protest Procedures (4 C.F.R. part 20 (1980)) require filing of requests for reconsideration within 10 working days after the basis for reconsideration is known or should have been known, whichever is earlier. Moreover, the request must contain a detailed statement of the factual and legal basis for seeking reconsideration. National Investigation Bureau--Reconsideration, B-195844.3, January 10, 1980, 80-1 CPD 30. Further, ASI has the burden of establishing that our prior decision was in error as a matter of fact or law, since we will not conduct, as part of our protest decision function, an investigation to establish the validity of unfounded allegations. Kurz-Kasch, Inc., B-192604, September 8, 1978, 78-2 CPD 181.

If ASI believes that disclosure of the requested internal information will provide a sound basis for reconsideration, it must apply directly to DLA under the ~~Freedom of Information Act (FOIA), 5 U.S.C. § 552 (1976)~~, for the information as our Office lacks authority under FOIA to determine what records other Government agencies must release. Eclen Hovercraft, Incorporated--Reconsideration, B-193050, March 14, 1979, 79-1 CPD 179.

Any request for reconsideration based upon such information must be filed in accordance with our Bid Protest Procedures, supra.

Accordingly, the request for reconsideration is dismissed.

Henry R. Van Cline
For Milton J. Socolar
General Counsel