Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dyna-Air Engineering Corp.--Reconsideration

File: B-271587.2

Date: August 30, 1996

Peter A. Quinter, Esq., Becker & Poliakoff, for the protester.
Timothy Sullivan, Esq., and Martin R. Fischer, Esq., Adduci, Mastriani & Schaumberg, for Vickers, Inc., an intervenor.
Jennifer D. Westfall-McGrail, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where requester fails to show that prior decision contains errors of law or fact or to present information not previously considered that warrants reversal or modification of the decision.

DECISION

Dyna-Air Engineering Corp. requests reconsideration of our decision, Dyna-Air Eng'g Corp., B-271587, July 8, 1996, 96-2 CPD ¶ 7, in which we denied its protest of the rejection of its offer under request for proposals (RFP) No. SPO500-95-R-A381, issued by the Defense Logistics Agency, Defense Industrial Supply Center (DISC), for metallic particle detectors. Dyna-Air's offer was rejected because it had not been approved as a source for the item at the time of award. The protester reiterates its argument that DISC unduly delayed forwarding its request for source approval to the Navy activity with approval authority.

We deny the request for reconsideration.

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must either show that our prior decision contains errors of fact or law, or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.14(a) (1996). Neither repetition of arguments made during our consideration of the original protest nor mere disagreement with our decision meets this standard. Dictaphone Corp.--Recon., B-244691.3, Jan. 5, 1993, 93-1 CPD ¶ 2. Nor will we consider arguments that could have been, but were not, raised during our initial consideration of the protest since to do so would undermine the goal of our bid protest forum--to produce fair and equitable decisions based on

consideration of the parties' arguments on a fully developed record. Liebig Int'l, Inc.; Defense Logistics Agency--Recon., B-265662.2; B-265662.3, Mar. 28, 1996, 96-1 CPD ¶ 169. Dyna-Air's request does not meet the standard for reconsideration of our decision.

In its request for reconsideration, Dyna-Air repeats the argument that it made during our initial consideration of the protest that DISC waited an unreasonable period of time before forwarding its source approval request to the Navy. We considered that argument in our prior decision, finding that any delay by DISC was attributable to Dyna-Air's failure to submit a complete technical data package for the item initially and to reasonable attempts by agency officials to obtain information missing from the technical data packages submitted by the protester for other related items. In the latter regard, we concluded that under the circumstances it was not unreasonable for DISC to have held off on forwarding any complete technical data packages while it sought to obtain the data missing from the incomplete ones since this approach allowed the technical information to be presented to the design control activity in a unified (as opposed to piecemeal) fashion, which promoted efficiency in the source approval process. Although the protester apparently disagrees with our conclusion regarding the reasonableness of the delay, such disagreement does not provide a basis for reconsidering our decision. See Dictaphone Corp.--Recon., supra.

Dyna-Air also argues that its failure to submit information concerning a similar item that it had previously furnished until requested to do so by the Navy during April 1996 was attributable to DISC's failure to furnish it with a copy of the Navy's Source Approval Information manual, as revised in January 1995.[1] This argument does not provide a basis for reconsideration of our prior decision since it could have been, but was not, raised during our initial consideration of the protest. Liebig Int'l, Inc.; Defense Logistics Agency--Recon., supra. In any event, we see no basis to conclude that the requester's failure to submit data on a similar item (due to its reliance on the out-of-date manual which failed to note that the "new item" category had been dropped) significantly delayed either DISC's forwarding of its source approval request to the Navy or the Navy's consideration of it. In this regard, the record does not show that DISC delayed forwarding the packages because they lacked information regarding similar items (DISC, in fact, appears to have been just as unaware of the revision to the source approval manual as the requester), while the Navy's consideration of the technical data packages was delayed only a couple of weeks by the request for similar item data.

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[1]As explained in our prior decision, the Navy had revised its Source Approval Information manual in January 1995 to eliminate the "new item" category, leaving only the "same item" and the "similar item" categories, the latter of which required the submission of current configuration drawings for a similar item.

Dyna-Air further argues that the DISC employee with primary responsibility for reviewing its technical data packages was a chemical, as opposed to mechanical or aeronautical, engineer, without manufacturing experience, and that her lack of qualifications rendered her incompetent to review its technical submissions for completeness. The requester asserts that it was not aware of this information until July 30, 1996, the date on which it filed a supplement to its request for reconsideration. We fail to see the relevance of the DISC engineer's professional qualifications given our conclusion that it was reasonable for her to delay forwarding Dyna-Air's technical data package for the particular item in question to the Navy while she sought to obtain information that the protester concedes was missing from other related data packages.

Finally, we will not consider the protester's argument that DISC unnecessarily delayed forwarding its technical data package to the Navy while awaiting qualification testing information not required by the Source Approval Information manual since this argument could have been, but was not, raised during our initial consideration of the protest. Id. Although Dyna-Air asserts that it was not aware until July 30, 1996, that "Category 3 new item requirements do not require qualification testing, but only acceptance testing," the requester was clearly on notice of the Category 3 requirements well prior to the filing of its initial protest. In this regard, Dyna-Air stated in its June 6, 1996 submission to our Office that it had a copy of the Category 3 requirements in its possession at the time it met with the DISC contracting officer on March 29, 1995.

The request for reconsideration is denied.

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