



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Environmental Protection Inspection and Consulting,  
Inc.--Reconsideration

File: B-224411.2

Date: August 11, 1986

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### DIGEST

Prior decision is affirmed where request for reconsideration, while revealing an inaccurate statement in the prior decision, does not show an error of fact or law that would warrant reversal of that decision.

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### DECISION

Environmental Protection Inspection and Consulting, Inc. (EPIC) requests reconsideration of our decision in Environmental Protection Inspection and Consulting, Inc., B-224411, July 21, 1986, 86-2 CPD ¶ \_\_\_\_\_. In that decision, we dismissed EPIC's protest that the General Services Administration (GSA) had failed to send it a copy of an amendment to invitation for bids (IFB) No. 6PPB-86-0048. Our ground for dismissal was that EPIC was only the fourth low bidder, and since the amendment increased the scope of work under the IFB it was not plausible that the protester's bid would have been reduced had it received the amendment. We also noted that all the lower bidders received the amendment. Accordingly, we concluded that EPIC would not be in line for the award even its protest were upheld and that it therefore could not be considered an interested party under our Bid Protest Regulations. 4 C.F.R. § 21.1(a) (1986).

EPIC contends that the agency's bid abstract indicates that the low bidder, Hub Testing, Inc., also did not acknowledge the amendment and points out that our statement that all of the lower bidders had received the amendment was therefore inaccurate.

The agency has verified EPIC's contention. The low bidder did fail to acknowledge the amendment, and its bid was rejected as nonresponsive on this basis. However, in order to be an interested party, the protester would have to be in a position to receive the award if it prevailed with its protest; here, that would require showing that all three of the lower bidders were ineligible for award. Since the eligibility of the second and third low bidders has not been challenged in any way, EPIC still does not have the requisite interest to protest this procurement.

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Our prior decision is affirmed.

*for Seymour E. Fox*  
Harry R. Van Cleve  
General Counsel