



Comptroller General
of the United States

2232211

Washington, D.C. 20548

Decision

Matter of: Aquidneck Systems International, Inc.--
Reconsideration

File: B-257170.3

Date: November 25, 1994

David L. Anderson, Esq., O'Connor & Hannan, for the
protester.
Paul E. Jordan, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where protester
essentially repeats arguments made and considered in initial
protest.

DECISION

Aquidneck Systems International, Inc. requests
reconsideration of our decision, Aquidneck Sys. Int'l, Inc.,
B-257170.2, Sept. 30, 1994, 94-2 CPD ¶ 122, in which we
denied its protest of the procuring agency's determination
to take corrective action under request for proposals (RFP)
No. IRS-93-0010. The RFP was issued by the Internal Revenue
Service (IRS), Department of the Treasury.

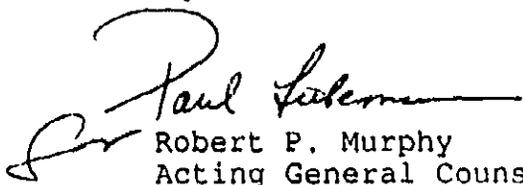
We deny the request for reconsideration.

In its protest of the IRS' corrective action, Aquidneck
challenged the agency's decision to terminate its contract
and reevaluate the proposals. The IRS took the corrective
action because it determined that it had improperly
evaluated the proposal submitted by another offeror,
Data/Ware Development, Inc. The IRS learned of its error
during its debriefing of Data/Ware and verified it in a
subsequent telephone conference with Data/Ware. In
Aquidneck's view, because the IRS had conducted discussions
with Data/Ware, if reevaluation was necessitated, the agency
was required to conduct discussions with all offerors in the
competitive range. In our decision, we found that the
agency's corrective action was unobjectionable. Since there
was an apparent error in the evaluation which may have had
an effect on the agency's award determination, a

reevaluation was necessary. We also concluded that the communications between the IRS and Data/Ware were not discussions, but rather were best described as clarifications which motivated the IRS to correct its unreasonable evaluation.

In its request for reconsideration, Aquidneck contends that our Office erred in applying the distinction between clarifications and discussions; in giving "excessive deference" to the contracting officer's version of the IRS' communications, while disregarding "more weighty contrary evidence"; and in failing to consider the comments of another offeror.¹ In essence, Aquidneck is doing no more than rephrasing and repeating the same arguments it made previously and expressing its disagreement with our decision. To obtain reversal or modification of a decision, the requesting party must convincingly show that our prior decision contained either errors of law or fact or that relevant information was not considered. Bid Protest Regulations, 4 C.F.R. § 21.12(a); Gracon Corp.--Recon., B-236603.2, May 24, 1990, 90-1 CPD ¶ 496. 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.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

The request for reconsideration is denied.


 Robert P. Murphy
 Acting General Counsel

¹We received comments on the agency report from another offeror, General Analytics Corporation. However, after reviewing its comments, we concluded that it was not an interested party to participate in the protest. 4 C.F.R. § 21.0(a) (1994). In any event, the comments of General Analytics, which raised essentially the same issues as did the submissions of Aquidneck, would not have had any effect on our conclusions.