



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: The Fantozzi Company--Reconsideration

File: B-265631.2

Date: May 9, 1996

Mark W. Fantozzi for the protester.

Behn Miller, 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 protester essentially repeats arguments made during consideration of protest and expresses disagreement with prior decision but fails to show that the prior decision contained errors of fact or law or to present information not previously considered that warrants reversal or modification of the decision.

DECISION

The Fantozzi Company requests reconsideration of our decision, The Fantozzi Co., B-265631, Dec. 12, 1995, 95-2 CPD ¶ 255, in which we denied its protest challenging the exclusion of the firm from further consideration under solicitation No. DTCG88-95-R-623A78, issued by the United States Coast Guard, Department of Transportation, for inspection and maintenance work on LORAN towers and antennae located in the states of Washington, Montana, California, and Nevada.

We deny the request for reconsideration.

The tower/antenna inspection and maintenance work being procured was classified as architect-engineering (A-E) services and, as such, was acquired by synopsising the evaluation criteria in the Commerce Business Daily and evaluating each offeror's completed standard form (SF) 254 (A-E and Related Services Questionnaire, see Federal Acquisition Regulation § 53.301-254) and SF 255 (A-E and Related Services for Specific Project Questionnaire, see FAR § 53.301-255), in accordance with the selection procedures set forth in the Brooks Act, 40 U.S.C. §§ 541 et seq. (1994), and the implementing provisions of FAR subpart 36.6.

In its protest, Fantozzi challenged the rejection of its proposal, arguing that it was qualified to perform the required services and that the agency had improperly failed to equitably distribute its A-E services awards. Specifically, Fantozzi contended that the agency improperly refused to consider firms--like the protester--that have less

experience working with the agency on tower systems contracts of the type required here than do other firms.

We denied Fantozzi's protest since the record showed that the majority of firms that competed for this requirement were more qualified in the specific tower experience and personnel sought by the synopsis. Although Fantozzi contended that the work was not being "equitably distributed," we noted that since equitable distribution was not one of the evaluation criteria for this procurement, the agency was not barred from selecting firms who were more qualified than Fantozzi based on that experience.

In its request for reconsideration, the protester contends that it should not have been excluded from the competition because even though it may have less experience in the specialized areas called for here, it nonetheless is capable of providing the same services offered by more experienced firms. With respect to the conclusion in our prior decision that Fantozzi's proposed "tower specialists" were not identified as registered professional engineers, the protester argues that it was under no obligation to propose registered engineers because the synopsis did not identify this as a requirement for successful performance; additionally, the protester contends that our Office overlooked the fact that two of its proposed "tower specialists" were listed on its SF 255 as registered engineers.

While it is true that the synopsis did not specifically require offerors to propose registered engineers for the required services, the synopsis nonetheless made it clear to all offerors that the agency was seeking the most highly qualified professionals to perform the required tasks. The synopsis provided that firms would be evaluated against seven technical criteria listed "in relative order of importance" and that the most important criterion was "[s]pecialized recent experience and technical competence of particular staff members in climbing and inspecting tower systems, surveying, and engineering analysis." Given that technical expertise was the most important technical consideration, we think it was clear--and a reasonable evaluation judgment on the agency's part--that an offeror proposing registered engineers would receive a higher technical score than an offeror that did not. While Fantozzi correctly points out that two of its staff were listed as registered engineers, these individuals were not identified by Fantozzi as the two primary tower specialists on its SF 255; instead, their primary assignments were listed as "Project Manager" and "Project Engineer." In contrast, neither of the two designated primary tower specialists was a registered engineer. Moreover, Fantozzi's proposed candidates did not demonstrate the range of credentials and experience which were evident from the submissions of the three firms ultimately selected for the agency's negotiation short list.

Our Bid Protest Regulations require that a party requesting reconsideration show that our prior decision contains either 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). Repetition of arguments made during the original protest--such as Fantozzi's contention that equitable distribution should have been a consideration in the agency's award process--or mere disagreement with our decision--e.g., Fantozzi's contention that it was equally qualified to perform the required tasks--does not constitute a valid basis for reconsideration. Varec N.V.--Recon., B-247363.7, Mar. 23, 1993, 93-1 CPD ¶ 259. Here, Fantozzi has not presented any new facts, evidence, or arguments that were not already considered in our prior decision; under these circumstances, we have no basis to reconsider our prior decision. Tower Corp.--Recon., B-254761.4, July 5, 1994, 94-2 CPD ¶ 5.

The request for reconsideration is denied.

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