



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Ogden Support Services, Inc.--Reconsideration

File: B-270354.3

Date: June 11, 1997

Ronald K. Henry, Esq., and Mark A Riordan, Esq., Kaye, Scholer, Fierman, Hays & Handler, for the protester.

Henry J. Gorczycki, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

There is no basis to reconsider a decision which had found that the protester was not an interested party to protest an awardee's proposal where the request for reconsideration does not show error in the decision's finding that the evaluation of the protester's proposal was reasonable and where the original protest did not challenge the evaluation of a higher-rated, lower-priced intervening proposal.

DECISION

Ogden Support Services, Inc. requests reconsideration of our decision, Ogden Support Servs., Inc., B-270354.2, Oct. 29, 1996, 97-1 CPD ¶ 135, denying in part and dismissing in part its protest of an award to SSI Services, Inc. under request for proposals (RFP) No. 95-Z06, issued by the Central Intelligence Agency (CIA).

We deny the request for reconsideration.

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision may contain 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 our consideration of the original protest and mere disagreement with our decision do not meet this standard. R.E. Scherrer, Inc.--Request for Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274 at 2.

Ogden's request for reconsideration has not shown that our decision contained any errors of fact or law, nor has it identified information not previously considered which warrants reversal or modification of our decision.

Ogden's original protest included allegations that the CIA evaluated Ogden's and SSI's proposals unreasonably and unequally. Our decision reviewed Ogden's

allegations concerning the CIA's evaluation of Ogden's proposal and found that the evaluation was reasonable. Then, turning to Ogden's allegations concerning the CIA's evaluation of SSI's proposal, we found that Ogden was not an interested party to protest the evaluation of SSI's proposal because an intervening offeror with a higher-rated, lower-cost proposal was in line for award ahead of Ogden, even assuming Ogden's allegations about the evaluation and selection of SSI were meritorious.

Ogden's request for reconsideration does not challenge our findings concerning the reasonableness of the CIA's evaluation of Ogden's proposal, but rather alleges that we improperly failed to consider its allegations of unequal evaluations and improperly found Ogden not to be an interested party to protest the evaluation of SSI's proposal.

The focus of Ogden's protest was that the CIA was biased in favor of SSI and conducted the procurement to ensure that SSI was awarded the contract. The protest included numerous, detailed allegations of unreasonable evaluation of Ogden's and SSI's proposals, but not a single allegation regarding the evaluation of the other offerors. Indeed, Ogden consistently and quite specifically identified this area of its protest as allegations of the CIA's applying different evaluation standards "to Ogden and SSI." Ogden's protest clearly did not allege that the proposals of offerors other than SSI were evaluated unequally in relation to each other. In any event, even if Ogden had generally alleged "unequal treatment of all offerors" as it now contends it did, such a general allegation would be insufficient to constitute a protest under our Bid Protest Regulations, 4 C.F.R. § 21.1(c)(4) (1996). Government Technology Servs., Inc. et al., B-258082.2 et al., Sept. 2, 1994, 94-2 CPD ¶ 93 at 4-5; Federal Computer Int'l Corp.--Recon., B-257618.2, July 14, 1994, 94-2 CPD ¶ 24 at 1-2.

As stated in our prior decision, Ogden's protest characterized its lowest-rated, lowest-ranked proposal as technically similar to the proposal ranked just ahead of it. Although that proposal had a slightly higher rating than Ogden's proposal, its cost was several million dollars lower than Ogden's. Thus, since we found that Ogden's proposal was reasonably evaluated, and since the evaluation of the intervening proposals was not protested, the ranking of Ogden's proposal would not change in relation to those intervening proposals, even assuming as meritorious all of its allegations about the evaluation and selection of SSI's proposal, including those couched in terms of unequal treatment. Therefore, we properly determined that Ogden was not an interested party to protest the evaluation of SSI's proposal and dismissed that portion of Ogden's protest. See Premier Nurse Staffing, Inc.--Recon., B-258288.3, Apr. 3, 1995, 95-1 CPD ¶ 174 at 5; Government Technology Servs., Inc. et al., supra at 4-5.

Ogden also alleges that we failed to adequately address its protest allegation that its final evaluation score was unreasonable because the score allegedly decreased from the preceding round of evaluations, even though the CIA stated that Ogden's proposal had improved as a result of discussions. As stated in our prior decision, Ogden based its allegation about the total scores on arithmetic averages of the individual evaluators' scores. However, the total scores were not based on the average of the individual scores, but rather on scores reached by a consensus of the evaluators, and Ogden's final consensus score did increase over its earlier consensus score. We thus correctly determined that Ogden's allegation had no merit. In any case, the final round of evaluations was complete and separate from any earlier evaluation and, as such, the results of the prior evaluations are not relevant to the final evaluation, which Ogden did not show was unreasonable. See Delta Sys. Consultants, Inc., B-201166, June 23, 1981, 81-1 CPD ¶ 519 at 7.

The request for reconsideration is denied.

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