

Protest of) Date: November 5, 1992
)
STEPHEN W. DU PUY)
)
Solicitation No. 380-103-92) P.S. Protest No. 92-51

ON RECONSIDERATION

Mr. Stephen W. Du Puy requests reconsideration of our decision of October 9 which declined to overturn the contracting officer's determination that Mr. Du Puy was a nonresponsible bidder with respect to a solicitation for the transportation of mail between Columbia, TN, and Duck River, TN.

Mr. Du Puy raises two points. First, he contends, in the terms of the standard of our review, that the contracting officer's determination of nonresponsibility was "not reasonably based on substantial information" because the transportation specialist who conducted the pre-award inquiry failed to solicit from Mr. Du Puy information about his past educational, management, and work experience. Mr. DuPuy provides additional information about his previous experience and the previous experience of his proposed drivers.

Next, Mr. Du Puy restates his concerns about the attitude of the transportation specialist, asserting that in her first contact with him as the low bidder she "pulled rank" on with respect to an issue of vehicle size, "threatening [Mr. Du Puy] with the loss of the route."^{1/} Mr. Du Puy contends that the transportation specialist was biased against him from the start, affecting her ability to consider his responsibility fairly.

Our review of reconsideration requests is very narrow:

Reconsideration is not appropriate where the protester simply wishes us to draw from the arguments and facts considered in the original protest conclusions

^{1/} The issue apparently arose because of an inconsistency between the notice of the solicitation, which indicated a vehicle of 100 cubic feet capacity was required, and the solicitation, which called for a vehicle of 200 cubic feet capacity.

different from those we reached in that decision. Reassertion of arguments previously considered and rejected by this office does not constitute a ground for reconsideration. Similarly, where information and arguments were known or available to the protester during the development of its protest but were not presented in the original proceeding, such information and arguments may not be considered in a request for reconsideration.

Fort Lincoln New Town Corporation, On Reconsideration, P.S. Protest No. 83-53, November 21, 1983 (citations omitted).

Here, Mr. Du Puy's contention that the contracting officer erred in failing to obtain sufficient information about his background revisits an issue raised and considered in our previous decision.

Mr. Du Puy's contention that the transportation specialist acted with improper motives in the pre-award process was raised tangentially in the previous protest, but was not treated in our decision.

In order to prove that the contracting officer acted with impermissible bias, the protester must affirmatively establish with sufficient evidence, that the contracting officer "had a specific and malicious intent to him harm the protester, since contracting officers otherwise are presumed to act in good faith. Prejudicial motives will not be attributed to such officials on the basis of inference or supposition." I.C., Inc., P.S. Protest No. 86-06, April 25, 1986, quoting Rodgers-Cauthen Barton-Cureton, Inc., Comp. Gen. Dec. B-220722.2, January 8, 1986, 86-1 CPD & 19. [The protester] has made only general allegations of bias and has offered no factual evidence to show that the contracting officer had "a specific and malicious intent to harm" him. We must conclude that [the protester] has failed to prove his allegations of bias and prejudice.

Marshall D. Epps, P.S. Protest No. 88-47, September 15, 1998.

Here, as in Epps, the protester's evidence fails to establish the required intent.

The request for reconsideration is denied.

For the General Counsel:

William J. Jones