

Protest of )  
J.T. CONSTRUCTION CO., INC. ) Date: March 28, 1991  
Solicitation No. 489986-90-A-0133 ) P.S. Protest No. 90-59

ON RECONSIDERATION

J.T. Construction Co., Inc. ("JT Construction"), timely requests reconsideration of our February 22, 1991 decision denying its protest against award to Guerra-Williams Inc. ("Guerra-Williams") pursuant to a solicitation limited to minority-owned businesses.

In its protest, JT Construction contented that Guerra-Williams was "neither a small business nor a minority enterprise." It also alleged that Guerra-Williams was controlled by Williams Industries, a non-minority company. JT Construction maintained its belief that Guerra-Williams was a "front" for Williams Industries, and that awarding the contract to Guerra-Williams violated the spirit and intent of the Postal Service's socio-economic policies.

Our decision noted that the contracting officer had made an affirmative determination that Guerra-Williams met the definitive responsibility criteria pertaining to minority business status based upon its submissions and the requirements of the solicitation. The decision concluded that JT Construction had not provided any evidence nor was there any evidence in the record indicating that Guerra-Williams was not a minority-owned business as is required by postal regulations. See Procurement Manual ("PM") 10.1.1 b.4. We also decided that JT Construction had not provided any evidence supporting its allegation that Postal Service socioeconomic policies were violated.

In its request for reconsideration, JT Construction continues to maintain that Guerra-Williams is controlled by Gary D. Williams, not Arthur H. Guerra, and that 13 CFR 124.104, a regulation of the Small Business Administration (SBA), is relevant to our review of "Control and Management" as it relates to minority business concerns participating in the SBA 8(a) set aside program.<sup>1/</sup> JT Construction

<sup>1/</sup>JT Construction's "belief" that Guerra-Williams was controlled by Gary D. Williams was not supported by the evidence in the record, and it has not submitted any additional evidence or information in its request for reconsideration which would warrant a review of this determination. The allegations raised concerning the relationship of Guerra-Williams and Williams Industries were either fully considered in our previous decision or (as in the case of the contention that without Mr. Williams' financial backing, Guerra-Williams' surety, Hartford Casualty Insurance, would not provide bonding) are without evidential support on the record.

now requests that we reconsider this protest and disqualify Guerra-Williams as a minority concern.

The PM states that a request for reconsideration "must contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not considered." PM 4.5.7 n. "Reconsideration is not appropriate where the protester simply wishes us to draw from the argument and facts considered in the original protest decision conclusions different from those reached in that decision." Tompkins & Associates, On Reconsideration, P.S. Protest No. 88-58, January 27, 1989 (quoting Fort Lincoln New Town Corporation, On Reconsideration, P.S. Protest No. 83-53, November 21, 1983). In its request for reconsideration, rather than offering new information not considered in our original decision or alleging legal error, JT Construction merely disagrees with our conclusion. This is an insufficient basis for reconsideration.<sup>1/</sup>

The request for reconsideration is denied.

William J. Jones  
Associate General Counsel  
Office of Contracts and Property Law

**[checked against original JLS 6/22/93]**

<sup>2/</sup>Our decision noted the inapplicability of the SBA regulations to the Postal Service's definition of minority-owned businesses.