

DOCUMENT RESUME

03336 - [A2433561]

[Request for Reconsideration of Protest against Sole-Source Procurement]. B-188015; B-188152. August 29, 1977. 2 pp.

Decision re: Capital Recording Co.; by Milton Socolar (for Elmer B. Staats, Comptroller General).

Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law II.  
Budget Function: General Government: Other General Government (806).

Organization Concerned: Advertising Council, Inc.; Defense Supply Agency; Department of Health, Education, and Welfare.  
Authority: 4 C.F.R. 20.9(a). 4 C.F.R. 20.2(b) (2). B-186966 (1977).

The protester requested reconsideration of a prior decision which denied a protest against the sole-source procurement of integrated national public service advertising campaigns. The request for reconsideration was denied since it was not shown that the prior decision was based on errors of fact or law. An allegation concerning a conflict of interest which was first raised more than 10 days after the protester knew of the alleged conflict was untimely and was therefore not for consideration. (AUTHOR/SC)



**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

03336

3561

FILE: B-188015, B-188152

DATE: August 29, 1977

MATTER OF: Capital Recording Company

**DIGEST:**

1. Request for reconsideration of prior decision by protester is denied since it has not been shown that prior decision was based on errors of fact or law.
2. Allegation concerning conflict of interest first raised more than 10 days after protester knew of alleged conflict is untimely and not for consideration.

Capital Recording Company has requested reconsideration of our decision in Capital Recording Company, B-188015, B-188152, July 7, 1977, 77-2 CPD, in which we denied its protest of sole-source procurements of integrated national public service advertising campaigns.

The Defense Supply Service and the Department of Health, Education and Welfare made sole-source awards to the Advertising Council for two public service advertising campaigns. The protester contended that since these advertising campaigns consisted essentially of a number of separate types of services for which there was adequate competition, each type of service should be broken out. We held that a contracting agency had the discretion to determine whether to procure by means of a total package or by separate procurements. Since the protester did not show that the agencies' positions, based on the anticipated benefits of a fully integrated advertising campaign, were unreasonable, the protests were denied.

Section 20.9 of our Bid Protest Procedures, which provides for reconsideration of a decision, requires that requests for reconsideration "contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made \* \* \*." 4 C.F.R. § 20.9(a) (1977). Capital's request for reconsideration merely reiterates the arguments made in its original protest. Since the protester has made no showing that our prior conclusion is erroneous, we see no reason to consider these allegations further.

B-188015, B-188152

Capital also raises, for the first time, the question of whether a conflict of interest has tainted the Defense Supply Service procurement since a member of the National Committee for Employer Support of the Guard and Reserve for whom the advertising campaign was procured is also a member of an advisory committee of the Advertising Council.

We do not understand precisely why the alleged conflict should exist since the procurement was made by the Defense Supply Service and not the Committee. In any event, the record shows that Capital knew in January 1977 that this individual held both positions. 4 C.F.R. § 20.2(b)(2) requires that protests should be filed not later than 10 days after the basis for protest is known. Consequently, this allegation is untimely and will not be considered. Denelcor, Inc., B-186966, July 26, 1977, 77-2 CPD

Our prior decision is affirmed.

for *Milton J. Aorlan*  
Comptroller General  
of the United States