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Comptroller General  
of the United States

United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Complete Packaging & Shipping Supplies, Inc.--Reconsideration

**File:** B-409585.21

**Date:** October 3, 2014

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Kevin P. Joyce, Esq., Centre Law Group, LLC, for the protester.  
Stephen T. O'Neal, Esq., General Services Administration, for the agency.  
Katherine I. Riback, Esq., and Jonathan L. Kang, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Request for reconsideration of decision dismissing a protest is denied where, contrary to protester's claims, the initial protest failed to include a detailed statement of the legal and factual bases for the protest.

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### DECISION

Complete Packaging & Shipping Supplies, Inc. requests reconsideration of our decision in Complete Packaging & Shipping Supplies, Inc., B-409585.5, B-409585.8, May 9, 2014, which dismissed its protest of the General Services Administration's establishment of blanket purchase agreement (BPAs) for the purchase of category 1 and 3 supplies<sup>1</sup> with W.W. Grainger, Inc., The Office Group, Inc., Premier & Companies, Inc., SPS Industrial, Inc., and WECSys, Inc. pursuant to request for quotations (RFQ) No. 819581.<sup>2</sup>

We deny the request for reconsideration.

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<sup>1</sup> The RFQ provided for establishment of multiple BPAs for each of three categories of office supplies.

<sup>2</sup> Our decision also dismissed Complete Package's objection to the establishment of BPAs for category 2. Complete Packaging does not seek reconsideration of our dismissal regarding of category 2.

To prevail on a request for reconsideration, the requesting party must either show that our decision contains errors of fact or law, or present information not previously considered that warrants the decision's reversal or modification. 4 C.F.R. § 21.14(a); Waterfront Techs., Inc.-Recon., B-403638.4, June 29, 2011, 2011 CPD ¶ 126 at 3. We will not reconsider a prior decision based upon arguments or information that could have or should have been presented during our initial consideration of the protest. Clear Air, Inc.--Second Recon., B-242582.4, May 20, 1991, 91-1 CPD ¶ 481.

In our decision, we found that all of the facts alleged by Complete Packaging in support of its argument that the awardees' quotations should have been rejected pertained to category 2. Complete Packaging & Shipping Supplies, Inc., *supra* at 1 n.1. In this regard, the protester identified specific facts concerning its challenge to awards to Grainger, Noble, The Office Group, Premier, SPS, and WECSYS--all of which related to category 2. Protest at 15-27. In contrast, as our decision noted, the protester stated:

Complete Packaging has only been provided information regarding the composition of the market basket items awarded to these Awardees under BPA Category II. As part of this protest, we are requesting this same information with respect to Category I and III and reserve the right to supplement this protest in relation to those categories as appropriate.

Protest at 15 n.9. Our decision therefore stated that, to the extent the protester challenged the BPA awards under categories 1 and 3, these arguments were dismissed because they failed to set forth a detailed statement of the legal and factual grounds of protest. Complete Packaging & Shipping Supplies, Inc., *supra*, citing 4 C.F.R. §§ 21.1(c)(4), (f).

Complete Packaging's request for reconsideration argues that our decision made an error of fact because, the protester contends, its protest provided "sufficient facts regarding the Protest grounds for Categories 1 and 3 in its Agency Level Protest as well [as in agency level protest] Exhibits 'L-1' through 'L-5,' all of which were included in the Protest filing." Reconsideration Request at 2. Complete Packaging argues, in essence, that because its protest to our Office attached its agency level protest and the attachments to that protest, we should have understood its protest to incorporate all facts and allegations mentioned those filings in a manner that satisfied the protester's obligations under our Bid Protest Regulations to set forth a detailed statement of the legal and factual grounds of protest.<sup>3</sup> We disagree.

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<sup>3</sup> Complete Packaging's protest to our Office included numerous attachments, including two agency-level protests that the firm had filed with GSA concerning this procurement. Exhibit K to the protest was Complete Packaging's agency-level  
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As we discussed in our prior decision, a protest must set forth a detailed statement of the legal and factual grounds of protest. 4 C.F.R. §§ 21.1(c)(4); 21.5(f). In dismissing Complete Packaging's protest allegations concerning the category 1 and 3 awards, we reviewed the documents provided by the protester. However, as noted above, we considered the protester's express statement that it lacked information concerning the category 1 and 3 awards (and the protester's request for information regarding these awards to enable it to file supplemental arguments) as the basis to conclude that the Complete Packaging did not set forth adequate grounds of protest. Complete Packaging & Shipping Supplies, Inc., *supra* at 1 n.1, citing Protest at 15 n.9. In contrast, the protest set forth specific arguments concerning the category 2 awards, with detailed factual and legal basis in support of those arguments. Protest at 15-27.

We find no merit to the protester's argument that the attachment of agency level protests, which addressed different arguments than those set forth in the protest to our Office, satisfies our Bid Protest Regulations requirement for a detailed statement of legal and factual grounds. See Market & Johnson, Inc.--Recon., B-228350.2, Nov. 3, 1987, 87-2 CPD ¶ 438 at 2 (attachment of a contracting officer's letter rejecting a protester's request did not, alone, constitute an adequate basis to challenge the contracting officer's action). Instead, any arguments the

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protest of an award to Noble Supply & Logistics for categories 1, 2, and 3. Exhibit L to the protest was another agency-level protest that challenged awards to W.W. Grainger, Galaxie, SPS, The Office Group, WEC, and Wrigglesworth, arguing that GSA failed to report evidence of an antitrust violation by Grainger and the small business awardees. This second agency-level protest included 5 exhibits concerning each the protester's "random sample" of the awardees' market basket items. Protest, Exhibit L-1, Galaxie Random Sample; Exhibit L-2, Industrial Random Sample; Exhibit L-3, The Office Group Random Sample; Exhibit L-4, WEC Sys. LLC Random Sample; L-5, Wrigglesworth Random Sample. According to the protester these exhibits include "several" line items that start with an "H" or "P." Reconsideration Request at 2. Complete Packaging further explains that category 1 items begin with an "H," and category 3 items begin with a "P." Therefore, the protester contends, these exhibits to an agency-level protest should have supplied "sufficient factual data" to constitute a challenge to the awards under categories 1 and 3. Reconsideration Request at 2.

protester intended to make regarding the category 1 and 3 awards should have been clearly presented in the original protest to our Office. See id.

The request for reconsideration is denied.

Susan A. Poling  
General Counsel