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GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

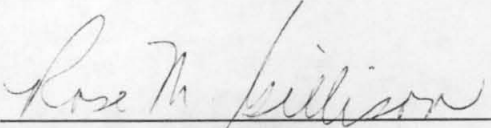
DATE: January 11, 1989

TO: Jack Rephan
2000 L Street, N.W.
Suite 612
Washington, D.C. 20036-4993

Frank E. Barber
Assistant Corporation Counsel
Department of Public Works
2000 14th Street, N.W. 6th Floor
Washington, D.C. 20009

RE: Protest of Pinnacle Corporation, IFB No. 86-0062-AA-2-0-CC
(Motion For Reconsideration)

Enclosed is a copy of the Board's decision in the above-referenced case.



ROSE M. GILLISON
Clerk to the Board

Enc.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

PINNACLE CORPORATION)
)
Under IFB No. 86-0062-AA-2-0-CC)

For the Protester: Jack Rephan, Esq. For the Government: Frank E. Barber, Assistant Corporation Counsel, D.C.

Opinion by Administrative Judge Davis with Administrative Judges Booker and Sharpe¹ concurring.

SUMMARY OF OPINION

PROCEDURE--RECONSIDERATION--ARGUMENTS ALREADY CONSIDERED--Where arguments advanced in motion for reconsideration were fully considered by Board in its original decision, and rejected, motion will be denied since moving party does not allege any new evidence or new arguments.

OPINION

The Government has moved that the Board reconsider its decision rendered on November 18, 1988, in the above-captioned case. In that decision, this Board held that where the Government failed to state clearly in its invitation for bids the legitimate policy decision it had made that roofing contractors themselves must have five years of relevant roofing experience, it could not properly exclude from consideration the relevant roofing experience of a corporation's officers and employees when evaluating whether the corporation met the five years roofing experience requirement.

¹Judge Sharpe's participation in this case is pursuant to the authority contained in the D.C. Procurement Practices Act of 1985, D.C. Code, sec. 1-1189.2(c)(2) (1987 Replacement).

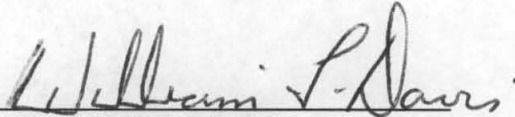
As grounds for its motion, the Government alleges that the Board erroneously placed an interpretation on the word "contractor" other than that which Special Condition No. 10 of the invitation for bids at issue called for. The Government contends that the word "contractor," as used in the special condition, means the legal entity itself.

Motions for reconsideration have, as their primary purpose, the opportunity to present newly discovered evidence or evidence not readily available at the time of the principal decision. This Board, when confronted with a motion which merely presents arguments which were fully considered by the Board in rendering its decision, absent anything more, will almost certainly deny the motion.

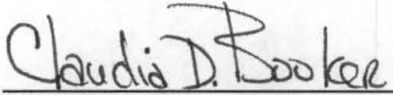
In its motion, the Government does not advance any new arguments but appears content to rehash arguments which were previously considered and rejected by this Board. This basis is insufficient to warrant reversal of our original decision. Moreover, we continue to remain unpersuaded by the Government's contentions.

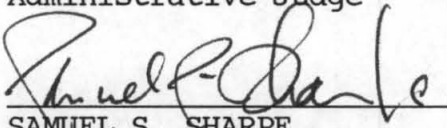
The motion for reconsideration is DENIED.

DATE: January 11, 1989


WILLIAM L. DAVIS
Chief Administrative Judge

CONCUR:


CLAUDIA D. BOOKER
Administrative Judge


SAMUEL S. SHARPE
Administrative Judge