

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONTRACT APPEALS BOARD.

APPEALS OF:

TITO CONTRACTORS, INC.	)	CAB Nos. P-363 and P-366
Under Contract No. 93-0030-AA-4-N-CC	)	(Consolidated) (Claim for Cost)
	)	(Reconsideration)

For the Appellant: Joseph V. McGrail, Esquire. For the Government: Robert J. Harlan, Jr., and Nancy Hapeman, Assistants Corporation Counsel.

Opinion by Administrative Judge Zoe Bush, with Administrative Judges Terry Hart Lee and Jonathan D. Zischkau concurring.

**OPINION AND ORDER ON MOTION  
FOR RECONSIDERATION**

By Order dated September 23, 1993, the Board denied Protestor's claim for bid preparation costs. Tito Contractors, Inc., CAB Nos. P-363 and P-366 (Consolidated) (Claim for Costs), 6 P.D. 5407 (September 23, 1993). Protestor has timely moved for reconsideration of the Board's decision.<sup>1</sup> In its motion, Protestor asserts that its bid preparation costs were adequately documented and that the costs were reasonable.

The District of Columbia has responded in opposition to the motion and correctly points out that the motion sets forth no factual or legal grounds which warrant reversal of the Board's

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<sup>1</sup>The Board Rules provide at 36 DCR 2696:

117.1 A party to an appeal or a protest may by motion request the Board to reconsider its decision or order for the reasons stated below:

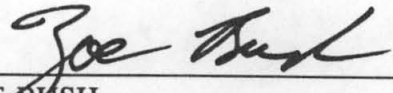
- (a) To clarify the decision;
- (b) To present newly discovered evidence which by due diligence could not have been presented to the Board prior to the rendering of its decision;
- (c) If the decision contains typographical, numerical, technical or other clear errors that are evident on their face; or
- (d) If the decision contains errors of fact or law, except that parties shall not present arguments substantially identical to those already considered and rejected by the Board.

decision. The District further persuasively argues that Protestor merely disagrees with the Board's order and reiterates arguments previously considered and rejected by the Board.

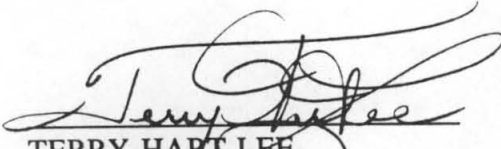
We agree with the District and find that Protestor has failed to comply with Board Rule 117.1(d), footnote 1, supra. Under these circumstances the Board has consistently denied motions for reconsideration because they lack merit. O'Donnell Construction Company - Reconsideration, CAB No. P-340, 6 PD 5255, July 19, 1993; Bio-Analytical Laboratories, Inc., - Reconsideration, CAB No. P-373, 6 PD 5235, July 6, 1993; Modern Electric, Inc. - Reconsideration, CAB No. P-341, 6 PD 5232, June 28, 1993; Macton Construction Inc. - Reconsideration, CAB No. P-203, 39 DCR 4424 (1992).

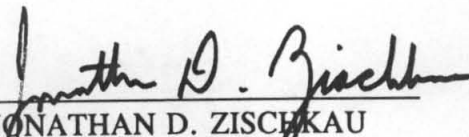
The foregoing considered, the motion is hereby DENIED.

DATE: January 12, 1994

  
ZOE BUSH  
Chief Administrative Judge

CONCUR:

  
TERRY HART LEE  
Administrative Judge

  
JONATHAN D. ZISCHKAU  
Administrative Judge