



The Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: Ira T. Finley Investments--Reconsideration
File: B-222432.2
Date: September 4, 1986

DIGEST

1. The General Accounting Office Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1986), do not permit a piecemeal presentation of evidence, information, or analyses. Where in its request for reconsideration a party submits arguments that it could have presented at the time of the protest, but did not, the arguments do not provide a basis for reconsideration.
2. Proposal preparation costs and the cost of pursuing a protest will not be granted where the General Accounting Office finds no violation of applicable statutes or regulations.

DECISION

Ira T. Finley Investments seeks reconsideration of our decision in Ira T. Finley Investments, B-222432, July 25, 1986, 86-1 CPD ¶ ____, in which we denied its protest of the proposed award of a contract to Embry-Riddle Aeronautical University under the Federal Aviation Administration's solicitation for offers No. DTFA-02-84-R-00584. The contract is for the facilities and services needed to support a management training school. We deny the request for reconsideration.

Finley challenged the FAA's evaluation of both its own proposal and Embry-Riddle's, asserting a wide range of alleged deficiencies in both the factual basis for the evaluation and the discretion exercised by the evaluators. We held that, with one exception, the FAA evaluation was both proper and consistent with the stated evaluation criteria, and that one exception was not significant enough to disturb the relative ranking of the proposals. We

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held that the selection official's consideration of cost and price in the selection was within his reasonable range of discretion, given the stated cost and price criteria. We also concluded that the FAA conducted adequate discussions and that Finley's protest of certain of the selection criteria was untimely.

In renewing its protest of the FAA's technical evaluation, Finley contends that the FAA's evaluators must have assumed that there was an error in Finley's proposal concerning the number of airline passenger seats available at Lawton Municipal airport on weekdays. This was a subfactor under the factor location. Finley reaches this conclusion because the evaluators appear to have used the seating figures from another proposal utilizing the Lawton airport when rating Finley's proposal. Such argument is, of course, purely speculative; it is equally plausible that the evaluators simply made a mistake in transposing figures, or used the same figure in both cases to save time, since it presumably applied to both proposals. We need not, however, consider these assertions, since they amount to the introduction of new theories or arguments based on the facts established in the original protest.

In this regard, our Bid Protest Regulations require that a request for reconsideration contain a detailed statement of the factual and legal grounds for such action, specifying any error of law or information not previously considered. 4 C.F.R. § 21.12(a) (1986). Our procedures do not permit a piecemeal presentation of evidence, information, or analyses. Where, as here, a party submits in its request for reconsideration an argument that it could have presented at the time of the protest, but did not, the argument does not provide a basis for reconsideration. Sovereign Electric Co.--Request for Reconsideration, B-214699.2, Feb. 12, 1985, 85-1 CPD ¶ 183.

We have carefully examined each of Finley's arguments in light of this standard, and they all fail, in that they are either reiterations of its prior contentions or they are arguments developed from the prior materials that could have been presented at the time of the initial protest.

The request for reconsideration is therefore denied.

Finley has also requested that it be paid proposal preparation expenses and its cost of pursuing the protest.

Because we found the protest to be without merit, we deny
Finley's claim for costs. Designware, Inc., B-221423,
Feb. 20, 1986, 86-1 CPD ¶ 181.

Harry R. Van Cleve

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General Counsel