



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Adrian Supply Co.--Reconsideration

File: B-225630.3

Date: August 7, 1987

DIGEST

Request for reconsideration is dismissed where argument raised by protester is one which it could and should have advanced in its original protest, as GAO's Bid Protest Regulations do not contemplate the unwarranted piecemeal development of protest issues.

DECISION

Adrian Supply Company requests reconsideration of our decision, Adrian Supply Co., B-225630.2, May 7, 1987, 87-1 C.P.D. ¶ 489, in which we denied Adrian's protest that its bid under solicitation No. C-1515 was improperly rejected by the Department of the Interior for failure to submit required descriptive literature, and dismissed Adrian's protest that the awardees' bids were nonresponsive.

We dismiss the request for reconsideration as untimely.

In its request for reconsideration, Adrian concedes that its bid properly was rejected as nonresponsive and, therefore, that it generally would not be considered an interested party to protest the responsiveness of other bids. However, Adrian now asserts that there were an insufficient number of responsive, small business bids to ensure adequate competition and, therefore, Adrian contends that it is an interested party because the appropriate remedy would be to terminate the contracts and resolicit the requirement.

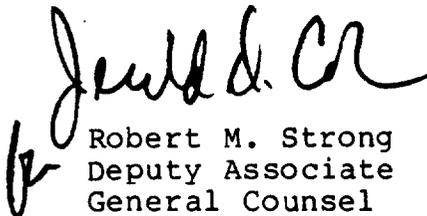
A protester may not raise a new ground of protest in a request for reconsideration which could and should have been made in its original protest as our Bid Protest Regulations do not contemplate the unwarranted piecemeal development or presentation of protest issues. Dynalectron Corp. 65 Comp. Gen 92 (1985), 85-2 C.P.D. ¶ 634. Adrian was made aware of the agency's contention that there had been adequate competition while its original protest was pending; the agency report explicitly takes this position and points out

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that Adrian had offered no evidence of inadequate competition or unreasonable prices. In its comments on the agency report, Adrian contended only that the awardees were nonresponsive, and did not raise the allegation that there was inadequate competition. Accordingly, Adrian's protest in this respect, raised for the first time in its reconsideration request which was filed more than 2 months after Adrian received the agency report (the latest possible date on which this basis for protest was known by Adrian), is untimely and not for consideration on the merits. W.H. Smith Hardware Company--Reconsideration, B-219327.5, Oct. 30, 1985, 85-2 C.P.D. ¶ 488.

Adrian also contends that our Office should consider the matter even if it is not an interested party because the agency appears to have violated a strong public policy in favor of fostering small businesses by the use of small business set-asides where appropriate. Adrian is requesting that we consider its protest under the "significant issue" exception in our Bid Protest Regulations, 4 C.F.R. § 21.2(c) (1987). This exception applies to protest issues not previously considered by our Office, whose widespread interest or importance to the procurement community warrants consideration despite untimely filing; it does not pertain to or permit the consideration of a protest issue raised by a firm which is not an interested party under our Regulations for the purpose of filing the protest. 4 C.F.R. §§ 21.0(a) and 21.1(a); Swintec Corp.--Reconsideration, B-212395.7, July 3, 1984, 84-2 C.P.D. ¶ 12.

The request for reconsideration is dismissed.


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