



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Calvin Brow--Request for Reconsideration

File: B-238226.2

Date: April 25, 1990

Robert L. Randall, Jr., Esq., for the protester.
Linda S. Lebowitz, Esq., Andrew T. Pogany, Esq., and
Michael R. Golden, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

General Accounting Office will not consider a request for reconsideration of a protest on the basis of the protester's subsequent provision of relevant facts and information of which the protester was or should have been aware but failed to present at the time the protest was first filed.

DECISION

Calvin Brow requests that we reconsider our decision in Calvin Brow, B-238226, Jan. 18, 1990, 90-1 CPD ¶ 71, in which we dismissed Brow's protest of the rejection of his bid as nonresponsive under invitation for bids (IFB) No. 621-06-90, issued by the Department of Veterans Affairs (VA) for drayage services.

We deny the request for reconsideration.

The VA rejected Brow's bid as nonresponsive because he failed to sign his bid. Specifically, he left blank the box (designated as Block 17, "Signature") provided for his signature on the front of Standard Form 33, entitled "Solicitation, Offer, and Award."^{1/} Brow alleged that his failure to sign his bid was merely an oversight and his intention to be bound was indicated by his presence at bid opening, and by his arrangements for leased storage space and insurance coverage. Based on Brow's initial submissions, we dismissed the protest because, as a general

^{1/} Brow's bid was not signed at the time of bid opening on December 12, 1989. He subsequently signed his bid on December 14.

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rule, a bid that is not signed before bid opening is nonresponsive unless it is accompanied by other documents which are signed and therefore prove the bidder's intent to be bound by the bid submitted. Canaveral Ship Repair, Inc., B-230630, May 20, 1988, 88-1 CPD ¶ 486; Ingel Ellefson, B-212785, Sept. 2, 1983, 83-2 CPD ¶ 303. Brow did not allege that his bid was signed or accompanied by any signed document, and we held that his appearance at bid opening and arrangements for leased storage space and insurance coverage were not a substitute for a valid signature.

In his request for reconsideration, Brow acknowledges that he did not sign his name in the signature box on the front of his bid prior to bid opening. However, he now alleges for the first time that his intention to be bound is indicated by the fact that his name appears in various places in his bid, and that his bid was complete in other respects.

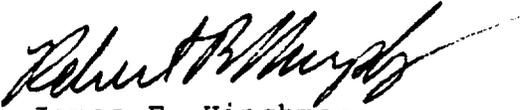
When requesting reconsideration, a protester must submit a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.12(a) (1989). Information not previously considered means information that was not available to the protester when the initial protest was filed. See Global Crane Inst.--Request for Recon., B-218120.2, May 28, 1985, 85-1 CPD ¶ 606. Any other interpretation would permit a protester to present information in a piecemeal fashion and unnecessarily disrupt the procurement of goods and services. Id.

Brow has now submitted to our Office two pages of his bid where his name appears, specifically the certificate of independent price determination and certificate of procurement integrity. Brow alleges that the insertion of his name on these certificates constitutes his signature and thus shows his intent to be bound.

This information, however, was available to Brow at the time he filed his initial protest with our Office, and he has offered no explanation concerning his failure to submit this information at that time. As indicated above, we will not permit this piecemeal approach to presenting a protest, and

therefore we will not consider the information now. See
Global Crane Inst.--Request for Recon., B-218120.2, supra.

Accordingly, the request for reconsideration is denied.

for 
James F. Hinchman
General Counsel