

(S. Riback)



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Titan Corporation/Federal Services, Inc.--  
Request for Reconsideration

**File:** B-237618.3

**Date:** June 15, 1990

Ruth P. Carroll, for the protester.  
Captain Steven A. Rosso, Esq., Office of the Judge Advocate  
General, Department of the Army, for the agency.  
Scott H. Riback, 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 Bid Protest Regulations do not permit a piecemeal presentation of evidence, information, or analysis. Where protester presents no evidence that the information on which it bases its reconsideration request could not have been presented prior to the closing of the original protest record, the request for reconsideration is dismissed.

## DECISION

Titan Corporation/Federal Services, Inc., requests reconsideration of our decision in TechDyn Sys. Corp. and Titan Corp./Federal Servs., Inc., B-237618; B-237618.2, Mar. 12, 1990, 90-1 CPD ¶ 264, in which we denied in part and dismissed in part the protests of TechDyn and Titan against the award of a contract to R&D Associates by the Department of the Army under request for proposals (RFP) No. DAJA37-89-R-0227. The RFP was for technical and administrative support services for the Army's battle simulation centers in Germany and Italy and contemplated the award of a cost-plus-award-fee-type contract. In its reconsideration request, Titan argues that we erred in concluding in our decision that the Army conducted a proper cost realism analysis of the firm's proposal.

We dismiss Titan's request for reconsideration.

048766/A11609

In our prior decision, we concluded that the Army's cost realism analysis of Titan's proposal was reasonable. In particular, our discussion focused upon the Army's upward adjustment of Titan's proposal for cost realism purposes to an evaluated cost of \$16,789,300 to account for a 40 "man-year" direct-labor cost discrepancy which the Army found between Titan's cost proposal and technical proposal.<sup>1/</sup> In this regard, we found that the Army acted reasonably in adjusting Titan's proposed costs upward to account for the discrepancy. We further stated that, although Titan had alleged in its protest that it had offered 166 man-years in its cost proposal and 170 man-years in its technical proposal for the basic quantities, our examination of the firm's supporting cost data showed that Titan had in fact offered 154 man-years (base and option) in its cost proposal and 194 man-years in its technical proposal.<sup>2/</sup> With respect to this matter, we specifically stated that Titan had provided our Office with no explanation regarding how it arrived at the 166 man-year figure which it alleged was contained in its cost proposal.

In its reconsideration, Titan now argues for the first time that the Army erred in failing to account for approximately 36 man-years offered in its cost proposal in conducting its cost realism analysis. The protester argues that its cost proposal included approximately 36 man-years of effort on the part of its subcontractor, Perceptronics. According to Titan, the Army therefore improperly adjusted the firm's cost proposal upward to account for some 36 man-years of effort which in fact was actually included in its proposal. Titan also alleges that it did not discover this until receipt of our prior decision in this matter in which we described the various base and option quantities used by the Army during its cost realism analysis.

---

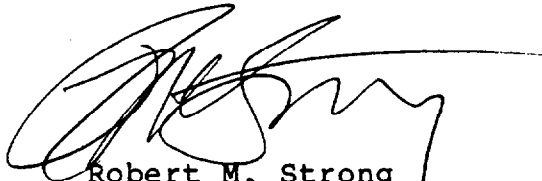
<sup>1/</sup> The Army based its upward adjustment on the premise that Titan's cost proposal contained an offer of approximately 154 man-years while its technical proposal contained an offer of approximately 194 man-years.

<sup>2/</sup> Titan now admits that its challenge to the Army's cost realism analysis in its initial protest was based on erroneous assumptions since the firm apparently misunderstood which of the various base and option quantities the Army used in its cost evaluation.

We decline to consider the issue on the merits. Our Bid Protest Regulations do not permit the piecemeal presentation of evidence, information, or analysis in connection with the filing of a bid protest. Where, as here, a party submits evidence, information, or analysis which could have been, but was not, presented during our initial consideration of the matter, and the party fails to present evidence regarding why the subsequently submitted materials could not have been earlier presented, such information does not provide a basis for reconsideration. See e.g., Burrell-Maier--Reconsideration, B-232086.2; B-232087.2, Dec. 9, 1988, 88-2 CPD ¶ 576; Minuteman Aviation, Inc.--Request for Recon., B-231504.2, Oct. 13, 1988, 88-2 CPD ¶ 348; B & M Marine Repairs, Inc.--Request for Recon., B-202966.2, Feb. 16, 1982, 82-1 CPD ¶ 131.

Here, Titan has alleged for the first time in its reconsideration that the Army failed to consider some 36 man-years offered in its subcontractor's cost proposal but has not explained why it could not have earlier made this argument. In this regard, we again point out that we specifically stated in our earlier decision that Titan had provided our Office with no explanation as to how it arrived at the 166 man-year figure which it asserted during the initial protest was contained in its cost proposal and which, presumably, took into account its subcontractor's effort. Titan knew that the number of man-years in its proposals was directly in issue but failed to provide our Office a simple listing of the man-years contained in its technical and cost proposals until its request for reconsideration.

We therefore dismiss Titan's request for reconsideration.



Robert M. Strong  
Associate General Counsel