

*J. Riback*



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** S/A Baltimore-I Limited Partnership--  
Reconsideration

**File:** B-241050.3

**Date:** January 14, 1991

Robert H. Koehler, Esq., Patton, Boggs & Blow, for the protester.  
Joseph E. diGenova, Esq., Hopkins & Sutter, for Charles Redwood Limited Partnership, an interested party.  
Amy Brown, Esq., General Services Administration, for the agency.  
Scott H. Riback, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Request for reconsideration is denied where protester submits for the first time in its request for reconsideration information which was available to the protester at the time of the initial protest but was not submitted.

## DECISION

S/A Baltimore-I Limited Partnership requests reconsideration of our decision in S/A Baltimore-I Ltd. Partnership, B-241050.2, Nov. 28, 1990, 90-2 CPD ¶ \_\_\_\_\_, in which we dismissed its protest against the award of a lease by the General Services Administration (GSA) under solicitation for offers (SFO) No. MMD-99999.

We deny the request for reconsideration because the basis for the request was available but not submitted or argued during our consideration of the initial protest. Specifically, we had dismissed S/A's initial protest because the firm had not filed its protest in our Office within 10 days of being notified by the agency of its award decision and had not otherwise demonstrated that the information which formed the basis of its protest had been diligently pursued. In this latter regard, we stated that the protester had apparently not sought a debriefing from the agency and had instead relied upon information contained in the agency's report filed in

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connection with an earlier protest concerning the subject solicitation. In its request for reconsideration, S/A has for the first time specifically stated that it received a debriefing from the agency and also has provided our Office with a chronology of events which it believes demonstrates that the initial protest was timely.

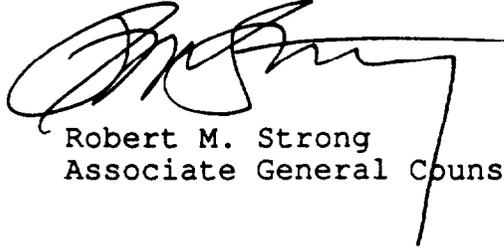
Under our Regulations, a request for reconsideration must contain a detailed statement of the factual and legal grounds upon which a reversal or modification of the initial decision is warranted as well as specify any errors of law made or information not previously considered by this Office in rendering its prior decision. 4 C.F.R. § 21.12(a).

Information not previously considered means information that was not available when the initial protest was filed. Norfolk Dredging Co.--Recon., B-236259.2, Oct. 31, 1989, 89-2 CPD ¶ 405. Failure to make all arguments or submit all information available during the course of the initial protest undermines the goals of our bid protest forum--to produce fair and equitable decisions based on consideration of both parties' arguments on a fully developed record--and cannot justify reconsideration of our prior decision. Department of the Army--Request for Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546.

Even if S/A had timely submitted its chronology and copies of its correspondence with the agency concerning this award, we conclude its protest of November 8 was untimely. The record now shows that S/A received a debriefing on September 13. On September 25, S/A wrote a letter to GSA in which it expressed its concern that the SFO may not have been conducted in conformity with applicable law and procedure. It suggested undue influence in the award decision and an award to a firm lacking adequate site control and financing. It also stated that "we could detail other irregularities on the process as well." However, the letter only asked that it be kept apprised of the status of the project because it had serious reservations whether the awardee could be financed. The letter requested reopening of the selection process "if and when it becomes apparent that the project cannot be delivered on time." In our view, while this letter shows that S/A was aware of its protest grounds by September 25, this letter's language also shows it was not intended as a protest of the award or selection process and was not considered a protest by the agency. Apparently, S/A decided not to challenge the award with the expectation that the awardee would not be able to perform and reopening of the SFO would be required. Thus,

S/A's protest to our Office of November 8 is untimely since it was filed more than 10 working days after S/A knew or should have known its basis of protest.

The request for reconsideration is denied.

A handwritten signature in black ink, appearing to read 'R. M. Strong', with a long horizontal stroke extending to the right and a vertical line extending downwards from the end of the signature.

Robert M. Strong  
Associate General Counsel