



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: PDC Machines, Inc.--Reconsideration

File: B-244724.2

Date: August 7, 1991

Sy M. Afzal for the protester,
Catherine M. Evans, Esq., and John M. Melody, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Request for reconsideration based on arguments that protester
could have, but did not, submit in initial protest is denied;
General Accounting Office Bid Protest Regulations do not
contemplate piecemeal development of protest issues.

DECISION

PDC Machines, Inc. requests reconsideration of our decision,
PDC Machines, Inc., B-244724, July 17, 1991, 91-2 CPD ¶ ____,
in which we dismissed its protest of the rejection of its
proposal and the award of a contract to Burton Corblin North
America, Inc. under request for proposals (RFP) No. N61331-91-
R-0048, issued by the Department of the Navy for a compressor.
PDC's protest alleged that the award to Corblin was improper
because PDC's offered compressor is manufactured entirely in
the United States while Corblin's is not, PDC is a small
disadvantaged business, and PDC offered a lower price.

We deny the request.

PDC included with its protest documents a copy of the Navy's
award notification letter to PDC, which stated that PDC's
proposed compressor was unacceptable because it did not meet
10 specific solicitation requirements. While PDC's protest
stated generally that its offered compressor meets the RFP
requirements, it did not specifically refute any of the
Navy's conclusions. Noting that our Bid Protest Regulations
require that a protest include a detailed statement of the
legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4)
(1991), and that the grounds stated be legally sufficient,
4 C.F.R. § 21.1(e), we held that PDC's unsupported assertion
that its compressor met the Navy's requirements did not meet
this standard. Therefore, we had no basis to find that the
Navy's rejection of PDC's proposal as technically unacceptable

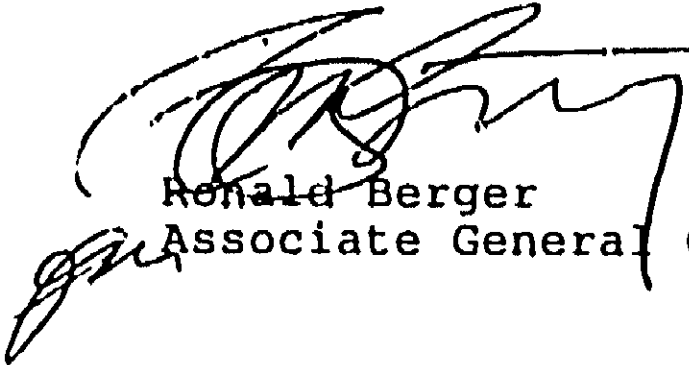
based on the 10 deficiencies was in error. Since we thus had no basis to disturb the agency's determination that PDC's proposal was technically unacceptable, we concluded that PDC was not in line for award and therefore was not an interested party to challenge the award to Corblin on the basis of that firm's manufacturing location, small business status, or price. PDC Machines, Inc., B-244724, supra.

In order for a protester's request for reconsideration to be considered by our Office, our Regulations require that the protester submit a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law or fact or information not previously considered. 4 C.F.R. § 21.12. Information not previously considered means information that was not available to the protester when the initial protest was filed. Global Crane Inst.--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 undermine our goal of affording parties the opportunity to present their cases with the least disruption possible to the orderly and expeditious conduct of government procurements. Dynalelectron Corp., 65 Comp. Gen. 92 (1985), 85-2 CPD ¶ 634. Here, PDC's reconsideration request challenges in detail the Navy's 10 reasons for the rejection of PDC's compressor. Since PDC could have presented these arguments in its initial protest, but did not do so, it is not entitled to reconsideration of the matter based on these arguments.

We note, moreover, that the arguments offered in PDC's reconsideration request would have been untimely even if they had been raised in the initial protest. Specifically, PDC argues that the specifications of the Corblin unit exceed the Navy's minimum needs. Our Regulations provide that protests of apparent solicitation improprieties must be filed prior to the time set for receipt of proposals. 4 C.F.R. § 21.2(a)(1); Picker Int'l, Inc., 68 Comp. Gen. 265 (1989), 89-1 CPD ¶ 188. PDC clearly had knowledge of the solicitation requirements--for a Burton Corblin model No. D124C165 or equal--when it prepared its proposal. Yet, instead of protesting the matter to the contracting officer or our Office before proposals were due, it waited until after the proposal due date to take exception to the listed salient characteristics of the Corblin model. Even if there were technical merit to PDC's position,

PDC should have raised the issue to the Navy before proposals were due, to afford the agency an opportunity to consider and respond to PDC's position before it had accepted other offers.

The request for reconsideration is denied.



Ronald Berger
Associate General Counsel