



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Logitek, Inc.--Reconsideration
File: B-241639.4
Date: August 30, 1991

Alan M. Lestz, Esq., Witte, Lestz & Hogan, for the protester, Maryann Grodin, Esq., and Donald Sherfick, Esq., Department of the Navy, for the agency. Steven W. DeGeorge, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where it is based on an argument that could have been but was not raised by protester in the course of the original protest.

DECISION

Logitek, Inc. requests reconsideration of our decision, Logitek, Inc.; MTX Electronics, Inc., B-241639.2; B-241639.3, May 14, 1991, 71-1 CPD ¶ 466, in which we dismissed as untimely its protest against the award of a contract to Saratoga Industries by the Department of the Navy, Naval Avionics Center, under request for proposals (RFP) No. N00163-90-R-0596, for electrical power supply units.

We deny the request for reconsideration.

Logitek originally protested that it had been improperly found nonresponsible in the guise of the agency's technical evaluation. While Logitek's proposal had been included in the competitive range, following a site survey, the firm was notified by the contracting officer on November 21, 1990, that its proposal was unsuccessful and that Saratoga had been selected as the apparent awardee. Subsequently, on January 7, 1991, Logitek received notice from the contracting officer of the actual award to Saratoga which had been made on December 12. Logitek thereafter requested from the Navy an explanation of the technical evaluation of its proposal and the basis for the award. In response, the Navy provided Logitek with a written summary of the results of the site survey conducted at its facility. This information was received by Logitek on January 14, and according to the firm, formed the basis for its subsequent protest to our Office.

We found Logitek's protest untimely for failure to diligently pursue its grounds for protest. In our view, Logitek failed to provide a convincing explanation for waiting almost 2 months after receipt of notice that its proposal was unsuccessful before acting. We expressed our belief that it became incumbent upon Logitek to diligently pursue the basis for that determination if it wished to avail itself of our bid protest forum.

In its request for reconsideration, Logitek now argues that it would have been a practical impossibility and violation of regulation for it to have learned the basis for the agency's technical evaluation. Logitek rests this argument on its reading of certain provisions of the Federal Acquisition Regulation (FAR) which restrict the disclosure of source selection information and provide for debriefing of unsuccessful offerors.^{1/}

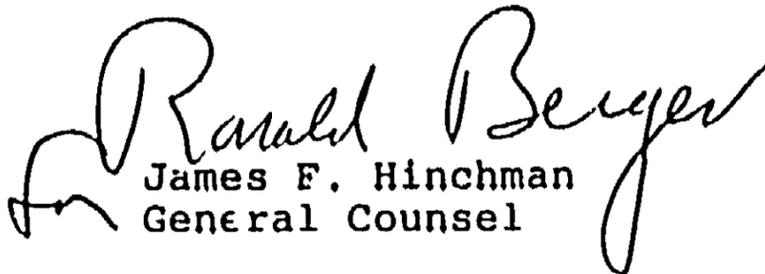
We will not consider this argument on reconsideration. Whether Logitek fulfilled the requirement to diligently pursue its grounds for protest was squarely at issue during the course of the original protest. Both parties addressed that issue and were given ample opportunity to advance any and all argument or analysis deemed relevant. Logitek failed to raise the arguments it now asserts and has provided no explanation as to why they were not presented when the original protest was under consideration.

Our Regulations do not envision a piecemeal presentation of evidence, information or analysis. Failure to make all arguments, or submit all information during the course of the initial protest, undermines the goals of our bid protest function to produce fair and equitable decisions based on consideration of all parties arguments on a fully developed record. Since Logitek's argument made here was available but

^{1/} Logitek specifically refers to the following regulations: FAR § 15.612(e); FAR § 3.104-4(k)(2)(v); FAR § 3.104-4(c)(1); FAR § 3.104-3(a)(3); FAR § 3.104-3(b)(3); and FAR § 15.1003(a). Logitek also generally refers to the procurement integrity provisions of the Office of Federal Procurement Policy Act, 41 U.S.C. § 423 (1988 and Supp. I 1989).

not raised during our consideration of the initial protest, it does not provide a valid basis for reconsideration. See AUTOFLEX, Inc.--Recon., B-240012.2, Nov. 7, 1990, 90-2 CPD ¶ 370.

The request for reconsideration is denied.


James F. Hinchman
General Counsel