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Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Gradwell Company, Inc.

**File:** B-270186; B-270186.2

**Date:** February 7, 1996

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### DECISION

Gradwell Company, Inc. protests the award of a contract under request for proposals (RFP) No. DAAH03-95-R-0003, issued by the U.S. Army Missile Command for maintenance and support services of audiovisual equipment. Gradwell filed initial and supplemental protests. In its combined comments responding to the agency's initial and supplemental reports, Gradwell argues that the protester and the successful offeror "were treated differently" during discussions which resulted in unequal and unfair discussions and that the agency "coached" the successful offeror into improving its proposal.<sup>1</sup>

We dismiss the protests as untimely.

In its initial protest, filed on October 13, 1995, which generally raised evaluation issues, Gradwell made a single reference to discussions (one sentence) in which the firm stated that the discussion letters the protester received from the contracting officer "wholly fail[ed] with particularity to advise the [protester] of defects in its proposal so that its defects could be corrected." The agency report was filed on November 27; in the report, the agency did not furnish the protester with the detailed discussion questions and memorandum of oral discussions that the agency conducted with the successful offeror. The protester then filed a supplemental protest on December 11 alleging that the agency engaged in "technical leveling" to enhance the successful offeror's proposal through successive rounds of discussions. This supplemental protest was based entirely on the evaluation documents of the agency which showed a progressive improvement in the evaluation ratings of the successful offeror from initial proposals through two proposal revisions to best and final offers (BAFO). The protester, in this supplemental protest, acknowledged that the "[November 27] report omitted the record of discussions with the [successful

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<sup>1</sup>These two issues are the only issues from its initial and supplemental protests that the protester pursued in its comments after receiving the agency reports. We deem all earlier issues abandoned. See John Brown U.S. Servs., Inc., B-258158 et al., Dec. 21, 1994, 95-1 CPD ¶ 35.

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offeror]," but the protester nevertheless alleged on information and belief from its review of the evaluation documents that the agency's undisclosed discussion questions to the successful offeror "appear [to have] amount[ed] to 'coaching,' technical leveling and technical transfusion."

The following day, on December 12, the agency faxed the protester the complete record of discussion questions and the memorandum of oral discussion meeting that the agency had with the successful offeror. On December 20, the agency submitted to our Office its agency report in response to the supplemental protest. On January 8, the protester submitted its combined comments on both reports in which it advanced arguments concerning only the unequal discussion issue and the "coaching" issue. The issues advanced and argued by the protester in these comments are based squarely on the alleged specificity of the actual discussion questions the agency addressed to the successful offeror as compared with the allegedly "more general" agency discussion questions addressed to Gradwell. The protester's comments then proceed to analyze, compare and argue the unfairness of the specificity of various selected discussion questions addressed to the successful offeror which allegedly helped improve that firm's proposal to the protester's prejudice.

These allegations are untimely. Where a protest contains general allegations of improprieties which are only supported with detailed reasons in subsequent comments on an agency report, we will dismiss a protest ground as untimely because our Bid Protest Regulations do not permit the unwarranted piecemeal development of protest issues. See Acker Elec. Co., Inc.-Recon., B-250673.2, Aug. 30, 1993, 93-2 CPD ¶ 140. Further, a protest of other than apparent solicitation improprieties must be filed within 14 calendar days after the basis of the protest is known, or should have been known. Section 21.2(a)(2), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(2)). When a protester initially files a timely unsubstantiated general protest and later supplements it with detailed new and factually specific additional grounds of protest, the later raised allegations must independently satisfy our timeliness requirements. See Telephonics Corp., B-246016, Jan. 30, 1992, 92-1 CPD ¶ 130.

Here, concerning the unequal discussion issue and the "coaching" issue, Gradwell filed both its initial and supplemental protests based on information and belief, speculating on the content of the discussion questions the agency had with the successful offeror. After Gradwell had filed these protests, the agency, on December 12, furnished the protester with the actual, detailed and complete record of discussions that the agency had conducted with the successful offeror. Yet, it was not until January 8, 1996, that the protester filed a submission with our Office explaining and specifying which discussion questions were inappropriate and why and which had the result of prejudicing the protester.

We think the detailed reasons the protester advances in its comments as to why certain discussion questions were improper should have been raised as protest grounds within 14 calendar days of its receipt of the actual discussion record between the agency and the successful offeror. We think the initial and supplemental filing of general "information and belief" protests concerning discussions does not excuse the protester from specifying the actual protest ground or grounds it believes it has once the actual facts and agency documents are subsequently made available and known to the firm.<sup>2</sup> Any other rule would unreasonably delay our processing and resolution of protests.

The protests are dismissed.

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<sup>2</sup>Until the comments were received, this office, and the agency, had no knowledge of the specific areas of concern to the protester. The agency could respond broadly to the general allegations of improper discussions that the protester advanced prior to its receipt of the actual discussion questions.