

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-210652.2**DATE:** April 5, 1983**MATTER OF:** Weaver Shipyard & Drydock, Inc.--
Request for Reconsideration**DIGEST:**

GAO will dismiss a request for reconsideration relying on new grounds for protest when the request is not filed within 10 working days after the basis for the protest is known or should be known, whichever is earlier. New grounds of protest must independently satisfy the timeliness requirements of GAO Bid Protest Procedures.

Weaver Shipyard & Drydock, Inc. requests reconsideration of our decision in Weaver Shipyard & Drydock, Inc., B-210652, February 9, 1983, 83-1 CPD 146, concerning the Department of the Navy's award of a contract for 35-foot sea sleds to Tri-Marine Industries, Inc. under request for proposals No. N00024-83-R-2025. We dismiss the request for reconsideration.

Weaver alleged that Tri-Marine lacked the experience, production facilities, or personnel to perform the contract, and was therefore nonresponsible. We dismissed the protest on this ground, since it is our policy not to review a contracting agency's affirmative determination of responsibility in the absence of either a showing of possible fraud on the part of procuring officials or an allegation that definitive responsibility criteria have not been applied. In addition, Weaver originally contended that Tri-Marine had submitted a below-cost bid. We also dismissed the protest on this ground, holding that submission of a below-cost bid is not itself a basis for challenging the validity of an award.

In its request for reconsideration, Weaver contends that in evaluating Tri-Marine's technical proposal, the Navy did not properly apply the evaluation factors concerning management, resources, and experience set forth in the request for proposals. We consider the protest on this basis untimely.

025096

Our Bid Protest Procedures require that a request for reconsideration contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.9(a) (1982). Information not previously considered refers to that which a party believes may have been overlooked by our Office or to which a party did not have access during the pendency of the original protest. The procedures do not contemplate a piecemeal presentation or development of protest issues, disrupting the procurement process. B&M Marine Repairs, Inc.--Request for Reconsideration, B-202966.2, February 16, 1982, 82-1 CPD 131.

In its request for reconsideration, Weaver fails to specify any errors of law we may have made in our prior decision. Nor does Weaver present any information to which it did not have access at the time of its prior protest, which was couched solely in terms of Tri-Marine's alleged nonresponsibility. Rather, Weaver now restates information concerning Tri-Marine to which it had alluded in its prior protest and argues that the Navy misapplied evaluation factors.

Even if we regard this as a new ground of protest, we find it untimely. New grounds of protest must independently satisfy the timeliness requirements of our Bid Protest Procedures, Tombs & Sons, Inc., B-206810.4, August 2, 1982, 82-2 CPD 100, and thus must be filed within 10 working days after the basis for them is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2). Though Weaver was aware of the allegedly improper evaluation at least as early as January 27, 1983, when it dispatched its original protest by Telex, we did not receive Weaver's request for reconsideration until February 16, 1983, more than 10 working days later.

In any case, Weaver's protest concerning Tri-Marine's responsibility appears academic. We have been informally advised by the Navy that it has found Tri-Marine nonresponsible and has referred the matter to the Small Business Administration, which will conclusively resolve the matter by issuing or refusing to issue a Certificate of Competency. See 15 U.S.C. § 637(b)(7)A (Supp. IV 1980); Space Age Engineering, Inc., B-207537, July 6, 1982, 82-2 CPD 22.

B-210652.2

The request for reconsideration is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel