

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

B-203855.8

FILE:**DATE:** January 9, 1985**MATTER OF:**Western Wood Preservers Institute--
Reconsideration**DIGEST:**

1. New data developed after all awards have been made under specifications for a grant-funded procurement, which are alleged to be unduly restrictive, will not be considered in analyzing the propriety of the specifications.
2. Technical publications submitted by a complainant in support of its request for reconsideration of a decision denying a complaint alleging unduly restrictive specifications will not be considered where these publications were available at the time the complaint was made but the complainant failed to submit them at that time.

Western Wood Preservers Institute (Western) requests that we reconsider our decision in J.C. Taylor Lumber Company, et al., B-203855.7, Sept. 18, 1984, 84-2 C.P.D. ¶ 307, in which we denied a complaint concerning the specifications being used for the purchase of electrical utility poles by the Rural Electrification Board of Bangladesh (REB) under procurements financed by grants from the Agency for International Development (AID).

Western contends that new data from the Forest Products Laboratory (FPL), not considered in our earlier decision, tends to show that the REB specification requirement that the utility poles be penetrated to a depth of 44 percent of the radius with preservative is unduly restrictive. We consider the new data to be academic and not for our consideration since all awards for utility poles under these procurements had been made prior to the development of the data. In addition, AID, which commissioned the study from the FPL, has informed us that the data will be used to determine the state-of-the-art in wood preservation techniques in the tropics for future procurements.

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Western also submitted technical publications in an attempt to show the acceptability of the preservative creosote, which was not permitted under section 2.3.9 of the specification. In our earlier decision, we found that this issue was decided in Neidermeyer-Martin Co., 59 Comp. Gen. 73 (1979), 79-2 C.P.D. ¶ 314. We stated that since the complainant had not submitted any new information or evidence which was not considered in deciding the Neidermeyer-Martin case, its allegation was without merit. We have held that parties that withhold or fail to submit all relevant evidence, information, or analyses for our initial consideration do so at their own peril. See Griffin-Space Services Company--Reconsideration, B-214458.3; B-214458.4; Nov. 14, 1984, 84-2 C.P.D. ¶ ____; Development Associates, Inc.--Reconsideration, B-205380.2; B-205380.3, Mar. 28, 1983, 83-1 C.P.D. ¶ 313.

The technical publications now submitted, relating to the creosote issue, are dated 1953 and 1963, and were available at the time the complaint was originally made and should have been submitted for consideration with the complaint rather than at this time.

The request for reconsideration is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel