



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Advanced Materials, Inc.--Reconsideration  
**File:** B-253711.3  
**Date:** March 17, 1994

### DECISION

Advanced Materials, Inc. (AMI) requests reconsideration of our February 10, 1994, dismissal of its protest against the evaluation of its proposal under solicitation No. DAMD17-93-R-0005, issued by the Department of the Army.

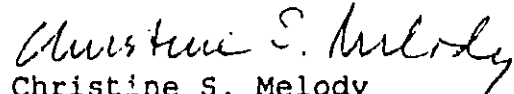
AMI requests reconsideration of our decision dismissing its protest as untimely. We dismissed the protest because the agency disclosed how it would evaluate the protester's proposal during discussions, but AMI waited to protest the agency's intended evaluation until after its proposal had been rejected and award had been made. We reached our decision after considering the arguments made by the protester as to whether the date of discussions or the date of award should serve as the measure of protest timeliness. AMI's request for reconsideration raises this same timing issue, based upon an additional argument which was not raised when AMI was invited to defend its protest's timeliness and which in fact contradicts AMI's original protest allegations. Specifically, AMI now argues that "the implication of the oral discussions was that AMI has at least performed more than was required, and therefore AMI would probably at least be scored better in the technical area."

We deny the request for reconsideration because the basis for the request was available but not submitted or argued during our consideration of the initial protest.

Under our Bid Protest Regulations, a request for reconsideration must contain a detailed statement of the factual and legal grounds upon which a reversal or modification of the initial decision is warranted as well as specify any errors of law made or information not previously considered by this Office in rendering its prior decisions. 4 C.F.R. § 21.12(a). Information not previously considered means information that was not available when the initial protest was filed. Norfolk Dredging Co.--Recon., B-236259.2, Oct. 31, 1989, 89-2 CPD ¶ 405. Failure to make all arguments or submit all information available during the course of the initial protest undermines the goals of our

bid protest forum--to produce fair and equitable decisions based on consideration of both parties' arguments on a fully developed record--and cannot justify reconsideration of our prior decision. Department of the Army--Request for Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546.

The request for reconsideration is denied.

  
Christine S. Melody  
Acting Associate General Counsel