



Decision

Matter of: Enzymes Plus Division of Anderson Affiliates,
Inc.--Reconsideration

File: B-258266.3

Date: March 23, 1995

Lois D. Anderson for the protester.
Robert C. Arsenoff, Esq., and John Van Schaik, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DIGEST

Request for reconsideration is denied where protester fails
to establish that its earlier protest was timely and where
protester raises arguments for the first time which should
have been raised in protest.

DECISION

Enzymes Plus Division of Anderson Affiliates, Inc. requests
reconsideration of our decision dated October 20, 1994,
dismissing two protests, B-258266 and B-258266.2, concerning
the decision of the Department of the Air Force to remove
the protester's aircraft surface cleaning compound--UBIX
No. C092--from a qualified products list (QPL) and a
decision of the Defense General Supply Center (DGSC) to
cancel five outstanding requests for quotations (RFQ) for
the compound in question.

We deny the request for reconsideration.

To the extent that Enzymes Plus complained about the Air
Force's decision to remove its product from the QPL in
B-258266, we dismissed the allegation as untimely because
the protester was informed of the decision no later than
July 19, 1994, and did not file its protest until
August 15--more than 10 working days after the firm knew of
its basis of protest. Bid Protest Regulations, 4 C.F.R.
§ 21.2(a)(2) (1995). In its request for reconsideration,
Enzymes Plus urges that timeliness be measured from August 8
when it learned of DGSC's cancellation of the RFQs. The
August 8 date is unrelated to when the protester knew its
basis for protest against the Air Force concerning its
inability to quote its product under these RFQs and,
therefore, Enzymes Plus has not established an error of fact

or law warranting reversal or modification of our earlier decision as required by 4 C.F.R. § 21.12(a).

In B-258266.2, Enzymes Plus alleged that the Air Force was responsible for its product not meeting long-term storage stability requirements of the QPL because the agency and its representatives caused a sample of UBIX No. 0092 to be subject to elevated temperatures (which degraded the sample) in accordance with obsolete testing procedures. The protester further alleged that named Air Force officials conspired to communicate misinformation about its product. While, as we stated in our decision, these allegations appeared serious, we dismissed them because, under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (1988), our jurisdiction is limited to considering protests involving solicitations already issued by federal agencies and awards made or proposed to be made under those solicitations--circumstances not present in the second protest.

In its request for reconsideration, Enzymes Plus submits that its second protest was based on the existing RFQs issued by DGSC which Enzymes Plus now alleges were defective because they referenced a specification establishing QPL testing procedures which were obsolete and, in part, impossible to meet. A review of protest No. B-258266.2 discloses that it contained no references to DGSC or the RFQs; further, a review of B-258266 reveals that Enzymes Plus did not allege that the RFQs were defective--rather, the protester sought awards under those RFQs. Failure to make all arguments during the course of the protest does not justify reconsideration of our prior decision because it undermines the goal of our protest forum to produce equitable decisions based on a fully developed record. Department of the Army--Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546. Accordingly, we will not consider these

¹We also dismissed the allegation that DGSC acted improperly in canceling the RFQs because such action is appropriate where an award under a solicitation would not meet the agency's needs. In the request for reconsideration, Enzymes Plus provides no rebuttal to this conclusion.

arguments which Enzymes Plus has raised for the first time
in its reconsideration request.

The request for reconsideration is denied.

\s\ Michael R. Golden
for Robert P. Murphy
General Counsel