

gan 4
30409

DECISION



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

FILE: B-218048.2 **DATE:** February 11, 1985

MATTER OF: International Development Institute

DIGEST:

GAO will not reopen a case which was closed because the protester did not send an indication of its continued interest in the protest within 10 working days after receiving the agency report where the protester's alleged lack of proper notification of requirement for a statement of continued interest resulted from the protester's failure to advise GAO of change of corporate official representing the protester in the proceedings.

International Development Institute requests that we reopen the file on its protest concerning the award of a contract by the Agency for International Development under solicitation No. AN-84-002. We closed our file because the protester did not send a timely reply to our request for a statement of its continued interest in the protest after receipt of the agency report on the matter. We decline to reopen the case.

International states that our letter was "mis-sent" because it was addressed to an employee who was no longer employed by International at the time our request for comments was mailed. (Apparently our letter was treated as personal mail of the former employee and was not opened by representatives of International.) Our records indicate, however, that our letter was correctly addressed to the employee of International who filed the initial protest to our Office. Further, we were never thereafter advised of any change of the corporate official responsible for representing the protester in this proceeding. We therefore believe that the responsibility for the failure of appropriate corporate officials to be informed of our notice solely rests with the protester.

031196

B-218048.2

In any event, our Bid Protest Procedures clearly indicate that a protester must file comments on the agency report with our Office within 10 working days after receipt of the report or face dismissal of its protest. See 4 C.F.R. § 21.3(d)(1984). Since our procedures are published in the Federal Register, protesters are charged with constructive notice of their contents. Custom Caterers, B-212635, Sept. 6, 1983, 83-2 CPD ¶ 306. Therefore, even if International did not receive our letter at all, it was on notice of its obligation to file comments with our Office, or otherwise express continued interest in the protest, and it failed to comply with this obligation.

Although our decision may seem harsh to International, we regard bid protests as serious matters which require effective and equitable procedural standards both so that parties have a fair opportunity to present their cases and so that protests can be resolved in a reasonably speedy manner. See Edron, Inc.--Reconsideration, B-207353.2, Sept. 8, 1982, 82-2 CPD ¶ 207. Our procedures are intended to provide for expeditious consideration of objections to procurement actions without unduly disrupting the government's procurement process. Reopening the file in International's protest at this time would be inconsistent with this purpose. Therefore, the file will remain closed.

Sherry D. Van Cline
for Comptroller General
of the United States