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DECISION



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

FILE: B-216533

DATE: February 7, 1985

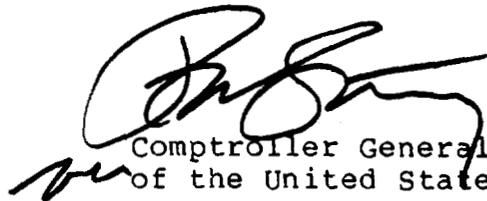
MATTER OF: International Cryogenics, Inc.

DIGEST:

Protest is dismissed where protester failed within the required 10-working-day period to submit comments on the agency report or to request consideration of the protest without comment submission.

International Cryogenics, Inc., (ICI), protests the award of a contract to Beech Aircraft Corporation under request for proposals No. 5B-84-NBS-0149 issued by the Department of Commerce, National Bureau of Standards, for two cryostats for use in a nuclear reactor.

According to ICI, it received a copy of the agency report recommending denial of its protest on November 13, 1984, and was advised in a letter from our Office, received November 21, 1984, that if it wished to pursue the protest, it must submit to our Office within 10 working days of its receipt of the report its comments on the report or a written request that we should consider the protest without any comments. It did neither. Instead, ICI filed its comments on December 6, 1984, more than 10 working days after receipt of the agency report. Accordingly, pursuant to 4 C.F.R. § 21.3(d) (1984) of our Bid Protest Procedures, the protest is dismissed. See ACS Construction Company, Inc., B-216069.2, Dec. 24, 1984, 64 Comp. Gen. ___, 84-2 C.P.D. ¶ 687; Valley Support Services; ABM Service Company; Sacramento Rehabilitation Facility; E.B. & Son; Edwards Enterprises, Inc., B-212439, B-212439.2, B-212439.3, Oct. 11, 1983, 83-2 C.P.D. ¶ 437.


Comptroller General
of the United States

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