

DECISION

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

30980

FILE: B-218164 **DATE:** April 12, 1985
MATTER OF: Air Technology, Inc.

DIGEST:

Protest is dismissed for failure of protester to submit comments on agency report or to submit a statement requesting that case be decided on existing record.

Air Technology, Inc., (ATI) protests the cancellation of solicitation No. DAAJ09-84-R-B326 (P37), issued by the U.S. Army Aviation Systems Command (AVSCOM) for the procurement of helicopter engine exhaust diffusers.

ATI filed its protest at GAO on February 8, 1985, and filed a March 8 letter received on March 11. The protester received the Army's protest report on March 14. On March 20, we advised ATI that notwithstanding its belief that the Army had not addressed ATI's March 8 letter, allegedly raising a new issue, comments were required within 7 days of receipt of the Army report under the GAO Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985). ATI indicated at that time that it was going to check with AVSCOM counsel to determine whether the agency intended to respond to ATI's March 8 letter.

We believe that the March 8 letter raises essentially the same issue as the February 8 protest, and ATI has neither submitted comments on the Army report nor filed a statement requesting that the case be decided on the existing record. The protest therefore is dismissed under the above-cited regulation.

Ronald Berger
Ronald Berger
Deputy Associate
General Counsel

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