



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: P.W.M., Inc.--Reconsideration

File: B-227094.5

Date: February 16, 1988

DIGEST

Dismissal of protest for failure to submit timely comments on the agency report is affirmed, where the protester did not fulfill its obligation to notify the General Accounting Office, within the required timeframe, that it did not receive the report.

DECISION

P.W.M., Inc. (PWM), requests that we reopen our file and consider on the merits its protest of the General Services Administration's (GSA) action changing the occupancy date under solicitation for offers No. GS-09B-86159, for the 8-year lease of approximately 7,379 square feet of office space for a Social Security Administration field office. We dismissed the protest on January 22, 1988, because we did not receive PWM's comments responding to GSA's report on the protest, or a statement of continued interest, within 7 working days after the date scheduled for receipt of the report.

In its request for reinstatement, PWM argues that it never received the agency report, and had no notice that the General Accounting Office received the report. PWM contends that since it has 7 working days from receipt of the report to comment, its protest should not have been dismissed.

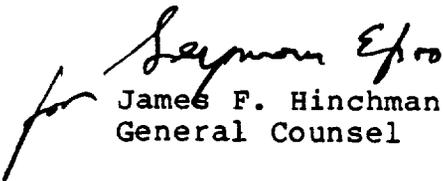
Our Bid Protest Regulations clearly state that after receiving the agency report, the protester must indicate continued interest in pursuing the protest or the protest will be dismissed. 4 C.F.R. § 21.3(e) (1987). When PWM's protest was filed we mailed PWM a notice acknowledging receipt and stating that under 4 C.F.R. § 21.3(e), a protester, within 7 working days of receipt of the agency report, must submit written comments or advise our Office to decide the protest on the existing record. The notice

included the date the report was due, January 7, 1988. The report was received on that date. The acknowledgment also advised the protester to notify us if the report was not received on the due date and warned that unless we heard from the protester by the 7th working day after the report was due, we would close our file.

Although PWM argues that its failure to file comments on time was due to its nonreceipt of GSA's report, the fact is that PWM failed to fulfill its obligation to advise us within the 7 working day period that it had not received the agency report by the due date. Had PWM timely advised us of the nonreceipt we would not have dismissed the protest.

Since PWM failed to express continued interest in the protest within the required timeframe, we will not reopen the file. Total Maintenance, Inc.--Reconsideration, B-227899.2, Aug. 28, 1987, 87-2 CPD 207.

The dismissal is affirmed.


James F. Hinchman
General Counsel