

Arsenoff



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: J.H. Baxter & Company--Request for
Reconsideration
File: B-229582.10
Date: March 14, 1988

DIGEST

A protest file which was closed because the protester failed to timely file comments with General Accounting Office (GAO) within 7 working days after the protester received a copy of the contracting agency's report will not be reopened where the comments were sent only to the agency, not GAO.

DECISION

J.H. Baxter & Company requests that we reconsider our dismissal of its protest concerning request for proposals No. DLA720-88-R-0001, issued by the Defense Construction Supply Center (DCSC) for certain plywood items.

We affirm our dismissal.

We dismissed Baxter's protest because the protester failed to respond to DCSC's report within the time required under our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1987). In pertinent part, that regulation provides that "[c]omments on the agency report should be filed with the General Accounting Office within 7 days after receipt of the report" (Emphasis supplied.) To date, Baxter has not provided our Office with any comments.

The sole basis for Baxter's request for reconsideration is its allegation that a timely response to the agency report was sent to "Walter Thomas." At the time, Mr. Thomas was Acting Associate General Counsel for Contracting for DCSC.

In virtually identical situations involving comments sent to the contracting agency rather than to our Office, we have affirmed our earlier dismissals for failure to file within the prescribed time frame, noting the need for a speedy and just resolution of protests without undue disruption of the

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federal procurement process. See, e.g., KACO Contracting Co.--Reconsideration, B-228899.2, Nov. 2, 1987, 87-2 CPD ¶ 433. Accordingly, we affirm our prior dismissal in this matter.



for James F. Hinchman
General Counsel