

L. Glass



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Darla Environmental, Inc.--Reconsideration

File: B-232401.2

Date: November 16, 1988

DIGEST

General Accounting Office (GAO) affirms its dismissal of a protest where the protester failed to submit written comments on the conference and report within 7 working days of the date on which the conference on the merits of the protest was held as required by GAO's Bid Protest Regulations.

DECISION

Darla Environmental, Inc. requests reconsideration of our dismissal of its protest under invitation for bids (IFB) No. N62477-86-B-0296, issued by the Chesapeake Division, Naval Facilities Engineering Command. We dismissed the protest because Darla failed to file comments on the conference and the agency report within 7 working days of the date of the conference.

A conference on the merits of the protest was held on October 7, 1988. All parties were advised at the conference that our Office's decisions are based on the written record and that written comments on both the agency report and conference were to be submitted by the close of business on October 19. Darla did not submit comments or file a written statement requesting that the case be decided on the existing record. At the conference, however, counsel for Darla was attended without his client, stated that the protester might withdraw the protest, but that if the protest was not withdrawn, Darla would be interested in a decision based on the existing record and might not file comments. In any event, counsel for Darla advised that he would call our Office to indicate his intentions after consultation with his client. Darla never communicated with our Office until our Office received this reconsideration request.

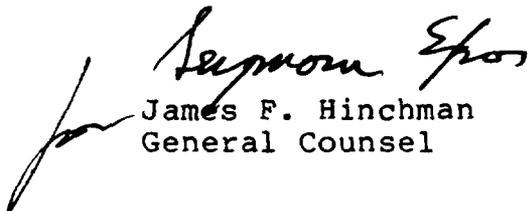
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We have no basis to reopen the file. The filing deadlines in our regulations are prescribed under the authority of the Competition in Contracting Act of 1984 (CICA). Their purpose is to enable us to comply with the statute's mandate that we resolve bid protests expeditiously. 31 U.S.C. § 3554 (Supp. IV 1986). See U.S. Shutter Co.--Reconsideration, B-219952.2, Jan. 15, 1986, 86-1 CPD ¶ 42. The regulations provide that where a conference on the merits is held, the protester must file comments on the conference and agency report, file a statement requesting that the protest be decided on the existing record, or request an extension of the period for submitting comments within 7 working days of the date on which the conference is held. 4 C.F.R. § 21.5(a)(4) (1988). That regulation further provides for our Office's dismissal of the protest if we do not hear timely from the protester.

Our procedures are designed to establish effective and equitable standards so that parties have a fair opportunity to present their cases and so that protests can be resolved in an expeditious manner. We require a written statement of continued interest in pursuing a protest because once protesters read the agency report or attend a conference, they sometimes change their minds about the merits of their protests, and thus the requirement for a written expression of continued interest prevents unnecessary delay of the procurement process while this Office otherwise would be preparing a decision. See Kings Point Industries--Reconsideration, B-228797.2, Oct. 27, 1987, 87-2 CPD ¶ 408.

Since Darla had the opportunity to express timely continued interest in the protest, our reopening of the files would be inconsistent with our purpose of providing a fair opportunity for a protester to have its objections considered without unduly disrupting the procurement process. See F.H. Stoltze Land & Lumber Co.--Request for Reconsideration, B-225614.2, Mar. 19, 1987, 87-1 CPD ¶ 313.

The dismissal is affirmed.


James F. Hinchman
General Counsel