



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Tech Systems, Inc.  
**File:** B-258776.3; B-259137.2; B-259441.2  
**Date:** February 2, 1995

### Decision

Tech Systems, Inc. requests reconsideration of our dismissal of its protests of the cancellation of invitations for bids (IFB) No. DACW63-94-B-0126 and subsequent resolicitations under IFB Nos. DACW63-95-B-0016 and DACW63-95-B-0024, issued by the U.S. Army Corps of Engineers for mail and messenger service. We dismissed the protests because the protester failed to file its comments on the agency report within 10 working days after the report due date, as required by our Bid Protest Regulations, 4 C.F.R. §21.3(j) (1994).

We affirm the dismissal.

In its reconsideration request, Tech Systems does not dispute that its comments were "filed," *i.e.*, received in our Office after the due date, as outlined in our prior dismissal, but claims that our dismissal was "arbitrary" because the agency report was voluminous. This provides no basis for reconsidering our dismissal.

As indicated in our dismissal, the filing deadlines in our Regulations are prescribed under the authority of the Competition in Contracting Act of 1984 and enable us to comply with the statute's mandate that we resolve protests expeditiously. See 31 U.S.C. § 3554(a) (1) (1988); U.S. Shutter Co.--Recon., B-219952.2, Jan. 15, 1986, 86-1 CPD ¶ 42. It is not our policy to reopen a protest file where the protester has failed to respond in a timely manner to the report, since to do so would be inconsistent with that purpose. U.S. Shutter.--Recon., *supra*. As noted, Tech Systems was cognizant of its responsibility in this regard; it is incumbent upon a protester to exercise the due diligence and care necessary to meet that responsibility. Egerman Roofing Supply Co., B-213371.2, Mar. 19, 1984, 84-1 CPD ¶ 323.

Bid protests are serious matters which require effective and equitable procedural standards to assure both that parties have a fair opportunity to present their cases and that protests can be resolved in a reasonably speedy manner.

Since Tech Systems did not express timely continued interest in the protest, our reopening of the file would be inconsistent with the goal of providing a fair opportunity for protesters to have their objections considered without unduly disrupting the procurement process. Id.



Paul Lieberman  
Acting Associate General Counsel