

DECISION

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

27718

FILE: B-213371.2**DATE:** March 19, 1984**MATTER OF:** Egerman Roofing Supply Co.**DIGEST:**

The fact that a protester's comments on an agency report were erroneously addressed and sent to the contracting agency rather than GAO does not merit reopening a case which was closed because the protester did not send a timely indication of its continued interest in the protest to GAO.

Egerman Roofing Supply Co. requests that we reopen the file on its protest against the award of a contract by the Veterans Administration. We closed our file because the protester did not send a timely reply to our request for a statement of its continued interest in the protest after receipt of the agency report on the matter. We decline to reopen the case.

Egerman states that it received our letter advising that the agency report had been sent and that written comments or other written indication of continuing interest in the matter had to be filed with us within 10 working days after receipt of the report or the protest would be dismissed. (This requirement is also contained in our Bid Protest Procedures at 4 C.F.R. § 21.3(d) (1983).) The protester's president states that he had been away from the office for over a week, and returned to find that the comments were due. In his haste to prepare a reply, he erroneously addressed and sent the comments to the contracting agency rather than to this Office.

It is unclear whether the agency received the comments within the required filing period, but in any event, it did not forward them here. (This is understandable since our procedures state that a copy of the protester's comments should be filed with the contracting agency.) Consequently, we did not receive the comments until Egerman filed its request for reconsideration and enclosed a copy. That was more than 6 weeks after the

028310

B-213371.2

protester received our letter indicating that a statement of continued interest in the protest must be filed with us within 10 working days. Under these circumstances, we find no basis to merit reopening the file on the case.

We recognize that Egerman intended to comply with our filing requirements. Nevertheless, both our published procedures and our letter clearly indicate that comments are to be filed with GAO and state the consequences of a failure to file in a timely manner. Therefore, we consider it incumbent upon a protester to exercise the due diligence and care necessary to meet those requirements.

Moreover, we regard bid protests as serious matters which require effective and equitable procedural standards both so that parties have a fair opportunity to present their cases and so that protests can be resolved in a reasonably speedy manner. See Edron, Inc.--Reconsideration, B-207353.2, September 8, 1982, 82-2 CPD 207. Our procedures are intended to provide for expeditious consideration of objections to procurement actions without unduly disrupting the government's procurement process. Reopening the file on Egerman's protest at this time would be inconsistent with this purpose. Therefore, the file will remain closed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel