

**DECISION**

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

Murphy  
AL-II  
31142

**FILE:** B-218196.2 **DATE:** May 6, 1985  
**MATTER OF:** Transamerican Steamship Corporation

**DIGEST:**

GAO regulations provide that protests are to be dismissed unless the protester submits either comments on the agency report or a statement requesting GAO to decide the matter on the existing record within 7 days after receiving the report. If a conference is held, the protester must submit either comments or a similar request for a decision on the existing record within 5 working days after the conference.

Transamerican Steamship Corporation protests the award of a contract to Sea Mobility, Inc. under request for proposals No. NOO033-84-R-4003, issued by the Military Sealift Command. Transamerican challenges the responsiveness of Sea Mobility's proposal and the responsibility of the company, arguing that the Navy changed the basis for award after submission of proposals and gave misleading information to it during discussions.

We dismiss the protest.

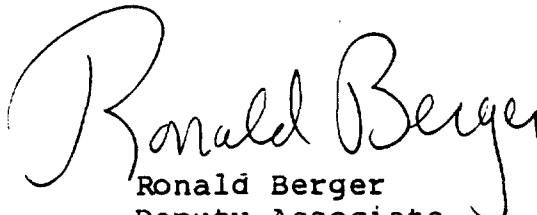
By letter dated February 21, 1985, we acknowledged Transamerican's protest and cautioned the company that under our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985), a protester must submit written comments on the agency's report concerning the protest or a statement that the protest should be decided on the existing record within 7 working days following receipt of the report. The report of the Military Sealift Command was provided to Transamerican on or about March 25.

On April 1, at the invitation of our Office, representatives of the firm attended a bid protest conference requested by Marine Transport Lines, Inc., another protester of the same Military Sealift Command procurement. Although not formally a conference on Transamerican's

031951

protest, the April 1 conference was intended to encompass issues presented in that protest if the firm wished to attend and raise them. Section 21.5 of our regulations provides that when a conference is held on a protest, the protest will be dismissed unless the protester files comments on the conference and/or the agency report, files a statement requesting a decision on the existing record, or requests an extension of the time in which to file comments within 5 working days following the conference. Those attending the April 1 conference were reminded that comments were due on or before April 8.

Transamerican has not commented on the agency report or requested that we decide the protest on the existing record, which it was required to do on or before April 4. Even if we view section 21.5 as applicable to this case because the Marine Transport Lines conference encompassed issues raised by Transamerican, Transamerican therefore had until April 8 to file the necessary comments or a statement with our Office. It has not done that either. Consequently, we dismiss the protest.

  
Ronald Berger  
Deputy Associate  
General Counsel