

2011 Jordan

DECISION



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

FILE: B-220326.2

DATE: December 16, 1985

MATTER OF: Silent Hoist & Crane Co., Inc.--
Request for Reconsideration

DIGEST:

GAO will not reopen a protest file that was closed because the protester's comments on the agency report were not received at GAO within 7 working days after the protester received the report as required by Bid Protest Regulations.

Silent Hoist & Crane Co., Inc., requests that we reopen its protest concerning the award of a contract under solicitation No. DAHC23-85-B-0008 issued by the Oakland Army Base, California. We closed the file on the protest because the protester failed to submit its comments on the agency report in a timely manner. We decline to reopen the case.

Silent Hoist contends that the comments it sent to our Office in response to the Army's report on the protest were filed within the required time period under our Bid Protest Regulations, 4 C.F.R. part 21 (1985). The protester states that it received the agency report on October 30, 1985, and on November 8 mailed its comments to our Office via regular mail. We received the comments on November 18. The protester believes that it met the requirements of our regulations because it mailed the comments within 7 days of the time it received the agency report.

Our regulations specifically provide that comments on the agency's report "shall be filed" with this Office within 7 (working) days after receipt by the protester of the report, and that failure to file comments (or to file a statement requesting that the protest be decided on the existing record) within the 7-day period will result in the dismissal of the protest. 4 C.F.R. § 21.3(e). Further, our regulations define the term "filed" regarding

034024

protests as receipt of the submission in this Office. 4 C.F.R. § 21.2(b). This term refers not only to the original protest submission, but also refers to comments on the agency's report. Coliseum Construction, Inc., B-218881.2, July 24, 1985, 85-2 CPD ¶ 78.

Since we did not receive either Silent Hoist's comments or a request that we consider the protest on the basis of the existing record until November 18, more than 7 working days after the time Silent Hoist received the agency report on October 30, the protest was properly dismissed pursuant to 4 C.F.R. § 21.3(e).

for *Signature*
Harry R. Van Cleave
General Counsel