

**DECISION**



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

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**FILE:** B-220291.3 **DATE:** January 15, 1986  
**MATTER OF:** Electronic Research Associates, Inc.--  
Request for Reconsideration

**DIGEST:**

Dismissal of original protest for failure to comment on the agency report in a timely manner, where protester filed comments 8 working days after its receipt of the report, is affirmed since protester failed to comply with our Bid Protest Regulations.

Electronic Research Associates, Inc. (ERA), requests reconsideration of our dismissal of its protest, B-220291.2, under invitation for bids No. N00104-85-B-0768, issued by the Department of the Navy (Navy). We dismissed the protest because ERA did not file its comments on the Navy's report in a timely manner.

We affirm the prior dismissal.

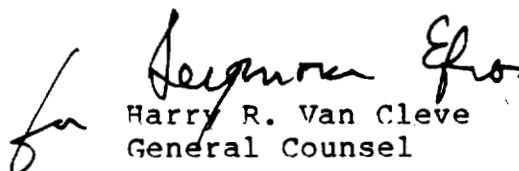
We received the Navy's report on December 2, 1985, and received ERA's comments, dated December 12, on December 16. According to ERA, it received the Navy's administrative report on December 4 and answered it on December 12. ERA states that it understands it has 10 working days to respond to the contracting agency's report and, therefore, the statement in our dismissal notice that it failed to respond within the time required is incorrect.

Our Bid Protest 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 dismissal of the protest. 4 C.F.R. § 21.2(b) (1985); Coliseum Construction, Inc., B-218881.2, July 24, 1985, 85-2 C.P.D. ¶ 78. The purpose of the time requirements in our regulations is to establish effective and uniform procedural standards that will provide all parties with a fair opportunity to present their cases. Equally important is the fact that these standards allow our Office the opportunity

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to resolve protests within a statutory 90-day timeframe, so that protests will not unduly disrupt the government's procurement process. See 31 U.S.C.A. § 3554(a)(1) (West Supp. 1985), as added by section 2741 of the Competition in Contracting Act of 1984; Rail Company, B-218623, Aug. 7, 1985, 85-2 C.P.D. ¶ 141.

Our Bid Protest Regulations are published in the Federal Register, and protesters are charged with constructive notice of their contents. International Development Institute, 64 Comp. Gen. 259 (1985), 85-1 C.P.D. ¶ 179. In addition, when we acknowledged receipt of ERA's protest, we specifically advised the company that written comments on the agency report must be submitted not later than 7 working days after its receipt of the report. We did not receive ERA's comments until December 16, 8 working days after ERA states it received the report. Since ERA's comments were not filed within the prescribed 7-day period, the protest was properly dismissed, and the file will not now be reopened.

  
for Harry R. Van Cleve  
General Counsel