

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

FILE: B-221279.2 **DATE:** February 25, 1986
MATTER OF: Bannum Enterprises--Reconsideration

DIGEST:

Where protest was dismissed based on the protester's failure to express continued interest in the protest after receipt of the agency report, reconsideration request that addresses only the protest's timeliness and related matters provides no basis for reconsideration.

Bannum Enterprises requests reconsideration of our dismissal of its protest under the Federal Bureau of Prisons' solicitation No. 272-61. The solicitation was for a half-way house, residential treatment program. The agency determined that Bannum was ineligible for award because it did not show that it could comply with local zoning ordinances as required by the solicitation. We dismissed Bannum's protest of the agency's determination, because Bannum failed to comply with our Bid Protest Regulations' requirement that the protester, within 7 working days after receiving the agency's report on the protest, either: 1) file comments on the report, 2) file a statement requesting that the case be decided on the existing record, or 3) request an extension for submitting comments. 4 C.F.R. § 21.3(e) (1985). After receiving the agency report, this Office received no communication from Bannum concerning the protest until the filing of the reconsideration request.

We deny Bannum's request for reconsideration.

A request for reconsideration must contain a detailed statement of the factual and legal grounds upon which reversal or modification of our decision is deemed warranted, specifying any errors of law or information not previously considered. 4 C.F.R. § 21.12(a). Bannum's reconsideration request, however, only raises arguments regarding whether Bannum timely filed its initial protest and furnished a copy of the protest to the contracting agency. The request fails to address the actual basis for dismissal at all, and thus presents no basis for our reconsidering the dismissal. See Uniserv Inc.--Request for Reconsideration, B-218196.4, Aug. 19, 1985, 85-2 CPD ¶ 190.

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We point out that our Bid Protest Regulations clearly state that after receiving the agency report, a protester must express continued interest in pursuing the protest or face dismissal of the protest. 4 C.F.R. § 21.3(e). Since our Regulations are published in the Federal Register (and are codified in the Code of Federal Regulations), protesters are charged with constructive knowledge of their contents. International Development Inst., 64 Comp. Gen. 259 (1985), 85-1 CPD ¶ 179. Moreover, we mailed Bannum a notice acknowledging our receipt of the protest and expressly stating that under 4 C.F.R. § 21.3(e) the protester within 7 working days of receipt of the agency report must submit written comments or advise our Office to decide the protest on the existing record. The acknowledgment further warned that unless we heard from the protester by the seventh working day after the report was due, we would close our file.

Our procedures are designed to establish effective and equitable standards both so that parties have a fair opportunity to present their cases and so that protests can be resolved in a speedy manner. Id. We require a statement of continued interest in pursuing a protest because once protesters read the agency report they sometimes change their minds about the merits of their protests, and thus the requirement for an expression of continued interest prevents unduly delaying the procurement process while this Office otherwise would be preparing a decision. See McGrail Equipment Co.--Reconsideration, B-211302,2, July 21, 1983, 83-2 CPD ¶ 106.

Since Bannum had the opportunity to express continued interest in the protest, our reopening the file would be inconsistent with our purpose of providing a fair opportunity for protesters to have their objections considered without unduly disrupting the procurement process.

The request for reconsideration is denied.

for *Raymond E. Evers*
Harry R. Van Cleve
General Counsel