



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Motorola Inc.--Request for Reconsideration

File: B-227219.3

Date: October 27, 1987

DIGEST

The late receipt of an agency report is not a basis to reopen a protest that was dismissed because of the protester's failure to file comments or express continued interest in the protest within 7 working days after receipt of the agency report, because the protester was specifically notified of the necessity of advising the General Accounting Office of its failure to receive the report when due in a written acknowledgement of its protest.

DECISION

Motorola Inc. requests that our Office reopen its protest concerning the rejection of its proposal under request for proposal No. 5000-87-03 for furnishing and installation of a microwave and VHF radio repeater by the National Park Service. We dismissed the protest because Motorola failed to file comments or express continued interest in the protest within 7 working days after receipt of the agency report.

We affirm our prior dismissal.

Motorola requests that our Office consider its response of October 6, 1987 a timely response to the agency's report of September 18, 1987. Motorola states that it did not receive the agency's report until September 28, 1987 and therefore its response of October 6, 1987 was filed within the required 7 working days.

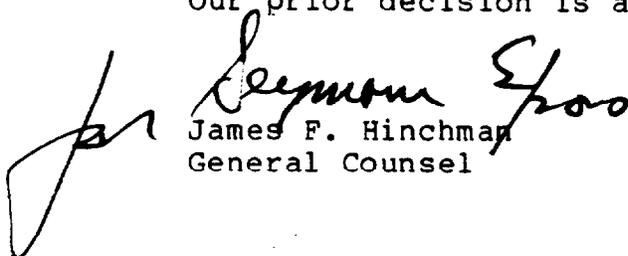
Our Bid Protest Regulations state that after receiving the agency report, a protester must express continued interest in pursuing the protest or face dismissal of the protest. 4 C.F.R. § 21.3(e) (1987). Our Office mailed Motorola a notice acknowledging our receipt of the protest which

040391

expressly stated 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. We informed Motorola of the date the agency report was due and instructed it to notify us if the agency report was not received. The acknowledgment further warned that unless we heard from the protester by the seventh working after the report was due, we would close our file without action. Bannum Enterprises--Reconsideration, B-221279.2, Feb. 25, 1986, 86-1 CPD ¶ 194. There was no response from the protester.

Our procedures are designed to establish effective and equitable standards so that parties have a fair opportunity to present their cases and so that protests can be resolved in a speedy manner. A statement of continued interest is required because protesters sometimes change their minds regarding the merits of their protests upon reading the agency report. By expressing their continued interest in the protest, undue delay of the procurement process is avoided. Bannum Enterprises--Reconsideration, B-221279.2, supra. Motorola had the opportunity to express continued interest in the protest and did not do so; therefore, our reopening the file in the face of our specific notice of the requirements for maintaining a bid protest would be inconsistent with our purpose of providing a fair opportunity for the parties to present their cases and for protests to be resolved in a speedy manner to avoid undue delay of the procurement process.

Our prior decision is affirmed.



James F. Hinchman
General Counsel