



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Bannum, Inc.--Reconsideration

**File:** B-250204.2

**Date:** December 22, 1992

James G. Campbell, Esq., Ogden, Newell & Welch, for the protester.

Charles W. Morrow, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Dismissal of protest because the protester failed to file comments in response to the agency report or express continued interest in the protest within the time required by the General Accounting Office Bid Protest Regulations is affirmed; the contracting agency's alleged failure to furnish the protester the agency report does not nullify the protester's obligation to timely notify our Office of its nonreceipt of the agency report.

### DECISION

Bannum, Inc. requests reconsideration of our November 3, 1992, dismissal of its protest against the award of a contract to Keeton Corrections, Inc., under request for proposals No. 200-100-SE, issued by the Federal Bureau of Prisons, Department of Justice.

We affirm the dismissal.

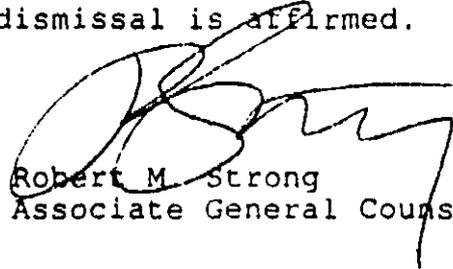
We dismissed the protest because Bannum failed to file its comments in response to the agency report or notify our Office of its continued interest in the protest within the time required by our Bid Protest Regulations. See 4 C.F.R. § 21.3(j) (1992). Bannum initially contacted our Office on November 9 after receipt of our dismissal, and asserted that it has never received the agency report on this protest. Bannum subsequently filed this request for reconsideration, arguing that its protest should be reconsidered because the agency allegedly never provided it a copy of the agency report.

Our Bid Protest Regulations are designed to provide the protester a fair opportunity to present its case and, at the same time, to enable our Office to comply with the mandate

in the Competition in Contracting Act of 1984 to resolve protests expeditiously. Green Mgmt. Corp.--Recon., B-233598.2, Feb. 27, 1989, 89-1 CPD ¶ 208. To this effect, our Regulations, and the letter sent to the protester acknowledging receipt of the protest, provide that a protester's failure to file comments within 10 working days, or to file a request that the protest be decided on the existing record, or to request an extension of the time for submitting comments, will result in dismissal of the protest. 4 C.F.R. § 21.3(j). Our acknowledgement letter also informed Bannum that for purposes of determining when its response to the agency report was due in our Office, we would assume that it received the agency report by October 13, 1992, unless the protester notified us otherwise at that time. We received the agency report on the designated date.

Whether or not the agency may have failed to send Bannum a copy of the agency report, Bannum failed to notify our Office of its continued interest or of its failure to receive the agency report within the time period required by our Regulations. The protester's obligation to respond within the required timeframe is in no way altered by nonreceipt of the agency report. See Kinross Mfg. Corp., B-232182, Sept. 30, 1988, 88-2 CPD ¶ 309. Since the protester's alleged nonreceipt of the report does not nullify the obligation to timely notify our Office of continued interest in accordance with the Regulations, we find that the protest was properly dismissed. Id.

The dismissal is affirmed.



Robert M. Strong  
Associate General Counsel