

*Calder*



**The Comptroller General  
of the United States**

Washington, D.C. 20548

**Decision**

**Matter of:** IBI Security Service, Inc.

**File:** B-233740.2

**Date:** March 6, 1989

**DIGEST**

Protester's 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 10 working days after receipt of the agency report. The protester was specifically notified of the need to advise the General Accounting Office of its failure to receive the report when due in a written acknowledgement of its protest.

**DECISION**

IBI Security, Inc., requests reconsideration of our dismissal of its protest concerning invitation for bids (IFB) No. N62474-88-B-6167, issued by the Naval Facilities Engineering Command for guard services. IBI argued that the IFB was unclear as to the agency's training requirements and failed to include a required wage determination for police services. We dismissed the protest because IBI failed to file comments or express continued interest in the protest within 10 working days after the agency report was filed.

We affirm the dismissal.

Our Bid Protest Regulations state that after receiving the agency's report, a protester must express continued interest in pursuing the protest or face dismissal of the protest. 4 C.F.R. § 21.3(k) (1988). Our Office mailed IBI a letter acknowledging receipt of its protest on November 30, 1988. This letter expressly stated that the protester, within 10 working days of receipt of the agency report, must submit written comments or request that our Office decide the protest on the existing record. The letter also informed IBI that the agency report was due on January 6, 1989, and

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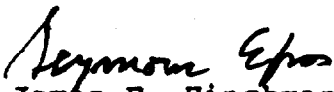
instructed the protester to notify our Office if the report was not received by that date. The letter further warned that unless we heard from the protester by the tenth working day after the report was due, we would dismiss the protest.

We received the report on January 6. When we did not receive comments from IBI by January 26, the twelfth working day after January 6, we dismissed the protest. IBI filed its request for reconsideration on January 30, asking that we reopen our file on its protest because it did not receive the agency's report until January 18. IBI's late receipt of the agency's report provides no basis to reopen its protest.

The purpose of the filing deadlines in our Regulations, issued pursuant to the Competition in Contracting Act of 1984, is to enable our Office to comply with the statute's mandate that we resolve bid protests expeditiously. CooperVision, Inc.--Reconsideration, B-231698.2, Aug. 26, 1988, 88-2 CPD ¶ 186. Without a timely comment requirement, the protester could idly await a copy of the agency report for an indefinite time to the detriment of the protest system as well as our ability to resolve the protest expeditiously. Honeywell, Inc.--Reconsideration, B-229682.2, Feb. 10, 1988, 88-1 CPD ¶ 134. Further, IBI had actual notice of the requirement since our letter acknowledging the protest clearly stated the firm's duties in the event it did not receive the report by January 6. Accordingly, in view of IBI's failure to file comments or express continued interest in the protest within 10 working days after the agency report was filed, its protest properly was dismissed.

In any event, in its report on the protest, the agency stated that it intends to amend the IFB to respond to the issues raised by IBI in its protest. Specifically, the agency stated that the training requirements would be clarified and that a separate wage determination for the police services called for by the IFB would be requested.

Our prior dismissal is affirmed.

*for*   
James F. Hinchman  
General Counsel