



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Aspen Consulting, LLC

File: B-405778.2

Date: March 19, 2012

Benjamin French, Aspen Consulting, LLC, for the protester.
Behn M. Kelly, Esq., Department of the Air Force, for the agency.
Cherie J. Owen, Esq., and Glenn G. Wolcott, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of prior decision dismissing protest for failure to file comments responding to agency report is denied where record is clear that protester neither submitted comments to our Office nor received an extension of time for filing within 10-day period permitted for submitting comments.

DECISION

Aspen Consulting, LLC requests reconsideration of our decision dismissing its protest of the award of a contract to Healthcare Team Training LLC under request for proposals (RFP) No. FA7014-10-R-0007, issued by the Department of the Air Force, for patient safety program support.

We deny the request for reconsideration.

The protester received the agency's administrative report in response to the protest on October 18, 2011; therefore its comments on the agency report were due by close of business on Friday, October 28. See 4 C.F.R. § 21.3(i). On October 26, the protester Aspen requested an extension of time to file comments, stating that it believed that additional documents should have been included in the agency report. E-mail from Benjamin French to GAO re: B-405778, Oct. 26, 2011. Despite the protester's representations, GAO did not grant an extension to the due date for filing comments. Therefore, the protester's comments on the agency report remained due by close of business on October 28.

Our Bid Protest regulations provide that comments on the agency report "shall be filed with GAO within 10 days after receipt of the report." 4 C.F.R. § 21.3(i). Further,

“the protest shall be dismissed unless the protester files comments within the 10-day period, except where GAO has granted an extension.” Id. Here, the protester did not file comments within 10 days after receipt of the report, and GAO did not grant an extension to the time for such filing. Therefore, the protest was properly dismissed. See California Env'tl. Eng'g, B-274807, B-274807.2 Jan. 3, 1997, 97-1 CPD ¶ 99 at 6.

The request for reconsideration is denied.

Lynn H. Gibson
General Counsel