to request in its initial protest filing a protective order, specific documents relevant to the protest grounds, or a hearing. We believe these revisions will significantly simplify a protester's preparation of its protest.

In response to a commenter's concern that the agency does not always receive a complete copy of a protest and all attachments, we have added language to redesignated paragraph (e) of § 21.1 to make it clear that the protester is obligated to furnish the agency with a complete copy of its protest, including all attachments.

With respect to redesignated paragraph (g) of § 21.1, several commenters argued that the requirement for the simultaneous submission at GAO of a redacted version of a protest (omitting confidential information), along with the full, unredacted protest, would be unduly burdensome. Accordingly, we have revised the language in this section to require that a redacted version of the protest be filed with GAO within 1 day after the filing of the unredacted protest.

Section 21.2—Time for Filing

In the proposed rule, consistent with the requirements of FASA, we have converted our timeliness rules from "working days" to "calendar days." Accordingly, a protester may file a protest (which does not involve an alleged solicitation impropriety) not later than 14 calendar days (as opposed to 10 working days) after the basis of protest is known or should have been known, whichever is earlier.

Section 1402(b) of FASA requires an agency which receives notice of a protest from GAO within 10 days after the date of contract award or within 5 days after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required to immediately direct the contractor to suspend contract performance. According to one commenter, Congress intended to provide meaningful relief to an unsuccessful offeror which filed a protest within 5 calendar days after a required debriefing, thus obviating the unsuccessful offeror's need to file a "defensive" protest prior to receiving all information to which it is entitled pursuant to a statutorily required debriefing.

In light of the 14-calendar-day rule for filing timely protests, the commenter argued that if a protest is based on information discovered before a required debriefing, the protester cannot wait to file its protest until after it is debriefed since, at that point, the 14calendar-day period for filing a timely protest may have expired, although the protest may still be timely for the purpose of requiring the agency to suspend contract performance. For this reason, the commenter suggested that we change our timeliness rules to provide that a protest, other than one based on an alleged solicitation impropriety, be considered timely if it is filed within 14 calendar days after the protester knew (or should have known, if that is earlier) the basis of protest, or if it is filed within 5 calendar days after the required debriefing, whichever is later.

While we believe that this recommendation should be given further consideration, we decline to adopt this suggestion in the final rule because such a significant change to our longstanding timeliness rules should be published for comment prior to implementation. We plan to evaluate the protest practice which evolves in response to the implementation of the new debriefing requirements of FASA. If experience shows that a revision to our timeliness rules would be beneficial to the bid protest system, we will consider further rulemaking.

Section 21.3—Notice of Protest, Submission of Agency Report, and Time for Filing of Comments on Report

In response to a suggestion from a commenter, we have added language to $\S 21.3$ (a) to require that all protest communications be sent by means reasonably calculated to effect timely delivery. We believe this change will improve the efficiency of the bid protest process.

In response to suggestions from several commenters, we also have added language to clarify § 21.3(b) and to specifically acknowledge, consistent with our current practice, that an intervenor, as well as an agency, may file a request for dismissal of a protest prior to submission of the agency report.

Several commenters expressed concern regarding our implementation of the protest file requirement contained in sec. 1015 and 1065 of FASA. It was the consensus of these commenters that requiring an agency to file a protest file within 20 days of a request for such a file in every one of the large number of protests filed with our Office would represent an undue burden, in particular because of the need to redact the documents in the protest file. These commenters pointed out that many protests are dismissed (or withdrawn) within the first 20 days after filing, and that in those cases, the time and effort devoted to preparing a protest file would be wasted. In addition, some of these commenters stated that they

would be forced to litigate every protest, even where summary dismissal is appropriate, because they would be compelled to devote their limited resources to preparing a protest file rather than to drafting requests for summary dismissal.

In response to the concerns expressed, we have decided not to adopt the protest file requirement at this time. While we continue to believe that filing a protest file early in the bid protest process will permit a more expeditious resolution of protests and offer other system efficiencies, in view of the concern that the requirement for early preparation of protest material is unduly burdensome, we have elected at this time not to implement a mandatory protest file requirement as part of our bid protest procedures.

In any event, we note that the agencies have a statutory obligation to implement a protest file procedure. Rather than our Office implementing a protest file requirement at this time, we think it is appropriate that the protest file requirement be implemented, in the first instance, in the Federal Acquisition Regulation (FAR). However, it remains our intention, in appropriate cases, to encourage agencies to voluntarily provide a protest file early in the bid protest process to ensure prompt development and resolution of protests, and to avoid the need for GAO to invoke the express option in roll-over situations (i.e., those cases where GAO closes an initial protest without deciding the merits of the protest grounds originally raised because a subsequently filed protest, with new or related protest grounds, potentially renders a decision on the initial protest grounds meaningless). In this regard, in response to suggestions from several commenters, we have clarified the language in §21.10(a) by expressly stating that GAO may invoke the express option on its own initiative. We plan to closely evaluate the impact of such voluntary use of the protest file and, if the results prove to be of benefit to the process, we will consider formally incorporating the protest file requirement into our procedures.

In response to a commenter's concern that the language in § 21.3(c) permitting an agency to request relevant documents from a protester will allow for "wideopen" document requests, we have clarified the language in this section to limit these requests to "appropriate cases."

To conform our regulation to current practice, we have revised the language in $\S 21.3(e)$ to provide for granting an agency's requests for extensions of time for submission of agency reports "on a