

**DOCUMENT RESUME**

03022 - [A2153256]

[Rejection of Proposal as Untimely]. B-189298. July 28, 1977. 3 pp.

Decision re: Decision Science, Inc.; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Air Force: Wright-Patterson AFB, OH.

Authority: A.S.P.R. 7-2002.4. A.S.P.R. 3-506(b). 55 Comp. Gen. 220. B-186907 (1976). B-185919 (1976).

Protester's proposal sent by air parcel post ("priority mail") not by certified mail and received after closing date for receipt of proposals was properly rejected by agency as untimely. Protester failed their obligation to assure timely arrival of bid, and no showing has been made that late receipt was in any way due to Government mishandling. Protest was denied. (DJM)

L. Reynolds  
Proc. I.

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**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20546

**FILE:** B-189298 **DATE:** July 26, 1977  
**MATTER OF:** Decision Science, Inc.

**DIGEST:**

Protaster's proposal not sent by certified mail and received after closing date for receipt of proposals was properly rejected by agency as not coming under one of the exceptions of ASPR § 7-2002.4.

Decision Science, Inc. (Decision Science), protests the rejection of its proposal as late by the Department of the Air Force, Wright-Patterson Air Force Base, Ohio, under request for proposals (RFP) No. F33615-77-R-0067.

The closing date for receipt of proposals was June 2, 1977. On June 6, 1977, the proposal of Decision Science was received at Wright-Patterson Air Force Base. The proposal in question was mailed air parcel post on May 27, 1977. The proposal was considered late under the applicable provision of the solicitation as it had not been sent by certified mail not later than 5 calendar days prior to the closing date for the receipt of proposals nor had the late receipt been due solely to Government mishandling after receipt at the Government installation (Wright-Patterson AFB).

Our Office has consistently held that the offeror has the responsibility to assure timely arrival of its proposal for a scheduled closing date and must bear the responsibility of the late arrival of a proposal unless the specific conditions set forth in the solicitation are met. B. E. Wilson Contracting Corp., 55 Comp. Gen. 220 (1975), 75-2 CPD 145, and cases cited therein.

Armed Services Procurement Regulation (ASPR) § 3-506(b) (1976 ed.) states:

"(b) Offerors are responsible for submitting proposals and modifications of proposals, including final modifications at the conclusion of negotiations, so as to reach the designated Government office on

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time. Proposals and modifications of proposals received in the office designated in the request for proposals after the exact time specified are 'late' and shall be considered only if the circumstances outlined in the provision in 7-2002.4 are applicable. \* \* \*

ASPR § 7-2002.4 (1976 ed.) entitled "Late Proposals, Modification of Proposals and Withdrawals of Proposals (1977 APR)" reads as follows:

"(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made; and

"(i) it was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th or earlier);

"(ii) it was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; or

"(iii) it is the only proposal received."

In the immediate case, the proposal was not sent by certified mail but rather by air parcel post. The fact that the proposal was sent by "priority mail" or that according to the local postmaster delivery in such manner should have occurred in time did not remove from Decision Science its obligation to assure timely arrival of its proposal. D. M. Anderson Co., B-186907, August 3, 1976, 76-2 CPD 123. Further, there has been no showing that the June 6, 1977, receipt was due solely to mishandling by the Government after receipt at the Government installation. In this connection, the protester has only stated that the late arrival of the proposal was "due to delays in the United States Postal Service." The "mishandling by the Government" in ASPR § 7-2002.4 refers to the procuring agency and not the Postal Service. See The Hoedads, B-185919, July 8, 1976, 76-2 CPD 21.

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Accordingly, the Decision Science proposal was properly rejected by the Air Force.

A handwritten signature in cursive script, appearing to read "R. K. ...", is written over the typed name.  
Deputy Comptroller General  
of the United States