

740 P.M. - Great, PL-1

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: B-192512

DATE: August 18, 1978

MATTER OF: Hot Lake Development Inc.; Vale Geothermal  
Inc.

**DIGEST:**

1. Where protester's initial submission indicates protest is without legal merit, GAO will render decision without obtaining report from agency.
2. Protesters' hand-carried proposals received after time specified in solicitation for receipt of proposals due to delay in airline flight were properly rejected since solicitation contained no provision for their consideration in circumstances involved here.

Hot Lake Development Inc. and Vale Geothermal Inc. protest the rejection of their proposals under program opportunity notice (PON) EG-78-N-03-2047, issued by the Department of Energy (DOE). The basis of the rejections was that the two hand-carried proposals were received by DOE 25 minutes after the time set for receipt of proposals (July 18 at 10:00 a.m.).

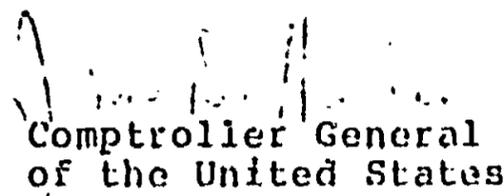
This case falls within the ambit of our decisions which hold that where it is clear from a protester's initial submission that the protest is without legal merit, we will decide the matter on the basis of the protester's initial submission without requesting a report from the procuring activity pursuant to our Bid Protest Procedures, 4 C.F.R. part 20 (1977). Braswell Shipyards, Inc., March 24, 1978, 78-1 CPD 233.

The two proposals were 25 minutes late in arriving at the contracting activity due to an 18-minute delay in the airline flight on which the president of the protesting firm was delivering the proposals to DOE and due to the further fact that he spent 7 minutes making phone calls concerning his late arrival.

The general rule for submission of bids or proposals is that the bidder/offeror has the responsibility for delivery to the proper place at the proper time. Federal Contracting Corp. et al., 54 Comp. Gen. 304 (1974), 74-2 CPD 229. Consideration of late bids or proposals may be permitted only in the exact circumstances provided for in the solicitation. Defense Products Company, B-185889, April 7, 1976, 76-1 CPD 233.

In the present case, there was no provision in the PON permitting consideration of proposals received after the time set forth in the solicitation in the circumstances involved here.

In view of the above, rejection of the late proposals was proper. Therefore, the protests are summarily denied.

Acting   
Comptroller General  
of the United States