

2403 *M. Eaton, 12-2*

DECISION



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

FILE: B-192465 **DATE:** August 18, 1978
MATTER OF: Chambers Consultants and Planners

DIGEST:

1. Protest alleging that response time and time and place for submission of proposals were unreasonable and prejudicial to offerors, filed after closing date for receipt of initial proposals, is untimely and will not be considered on the merits.
2. When proposal admittedly was delivered after deadline for initial submissions, and solicitation contained standard late proposal clause, protest concerning rejection has no legal merit and will be summarily denied, without requesting report from contracting agency.

Chambers Consultants and Planners (Chambers) protests rejection by the Bureau of Land Management (BLM), Department of the Interior, of a proposal for bathymetric mapping and biological surveying of the Tanner and Cortez Banks, to be performed before BLM issues oil and gas leases in the Pacific. BLM refused to consider the proposal because it was delivered one hour after the 9 a.m. deadline for initial submissions on Monday, July 10, 1978.

Chambers, a California firm, alleges that the response time and the time and place for submission of proposals were unreasonable and prejudicial to offerors. Specifically, the firm protests because it did not receive a copy of the solicitation, No. AA551-RP8-11, issued May 18, 1978 and requested the following day, until June 12, 1978. In addition, Chambers did not receive an amendment and a map until July 5, 1978, or an answer to a conflict of interest question, submitted to BLM on June 21, 1978, until July 7, 1978.

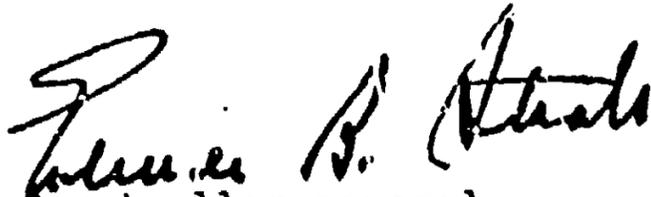
Chambers points out that a preproposal conference was held on June 20, 1978, allowing only 12 working days thereafter for preparation of proposals. Under these circumstances, it contends, it could not possibly have completed a proposal for submission by registered or certified mail 5 days before the closing date, which under applicable regulations would have allowed it to be considered even though late. As for delivery, Chambers argues that the 9 a.m. Monday deadline required prospective contractors either to absorb the cost of flying to Washington, D. C. to personally supervise submission of their proposals or to entrust them, as Chambers did, to an independent carrier to be delivered within the first hour of the working week. Neither alternative was satisfactory, Chambers concludes.

Chambers' protest mainly concerns alleged improprieties which were apparent before the closing date for receipt of initial proposals. Under our Bid Protest Procedures, 4 C.F.R. 20.2 (1977), such a protest must be filed, either with the agency or with our Office, before that date in order to be considered on the merits. See Dynatrend, Incorporated, B-190886, March 16, 1978, 78-1 CPD 213. Chambers did not seek an extension of the time for submission of initial proposals, and its protest, forwarded by a member of Congress, was not received by our Office until July 25, 1978. We therefore must decline to consider the allegations regarding response time and the time and place for submission of proposals.

As for rejection of Chambers' proposal as late, we believe BLM's action was correct. We consistently have held that an offeror is charged with the responsibility of assuring that its proposal arrives at the proper place at the proper time, and by choosing a method of delivery other than that specified in the late proposal clause assumes the risk that its proposal will be rejected as late. See LaBarge, Incorporated, B-190051, January 5, 1978, 78-1 CPD 7. Since Chambers' proposal admittedly was delivered after the deadline for initial submissions, and the solicitation contained the standard late proposal

clause prescribed by Federal Procurement Regulations (FPR) 1-3.802-1(a) (1964), this portion of the protest is clearly without legal merit, and our decision was reached without requesting a documented report from the contracting agency. See Inflated Products Company, Inc., B-19087; May 11, 1978, 78-1 CPD 362.

Accordingly, the protest is dismissed in part and summarily denied in part.


Comptroller general
of the United States