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## DECISION

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548*[Protest of Proposal Rejection for Lateness]*

FILE: B-198814

DATE: June 4, 1980

MATTER OF: Office of Public Instruction

4748

## DIGEST:

Proposal received after closing date for receipt of proposals was properly rejected as late since untimely receipt of proposal is not shown to be caused by Government mishandling merely because proposal arrived in Postal Service facility in city of delivery sufficiently early to be timely received by procuring agency.

The Office of Public Instruction (OPI), a state agency in Helena, Montana, protests the rejection of its proposal by the United States Office of Education (Education) under Request for Proposal (RFP) No. 80-17. OPI's proposal was rejected because it was received on April 15, 1980, one day after the April 14, 1980 closing date for receipt of proposals. 4cc-SSO

OPI maintains its proposal should not have been rejected because the proposal's untimely receipt was caused by mishandling by the Government. In this regard, OPI asserts that U.S. Postal Service records indicate the proposal, sent by certified mail on April 11, 1980, arrived in Washington, D.C. (the location of the procuring activity) no later than 6:00 A.M. on April 13, 1980. OPI further states it has been advised by the Postal Service that the proposal should have been delivered to Education prior to the time for receipt of proposals on April 14, 1980, and that the Postal Service acknowledges the proposal was "mishandled after it arrived in Washington." Accordingly, OPI believes its proposal should be considered as permitted by the "late bid" provision of the RFP.

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We find the protest to be legally without merit on the basis of the protester's initial submission and thus see no need to request an agency report. See, e.g., Devoe & Reynolds Company, B-197457, February 7, 1980, 80-1 CPD 111.

Our Office has consistently held that an offeror has the responsibility of assuring the timely arrival of its bid or offer and must bear the responsibility for its late arrival unless the specific conditions of the solicitation are met. Gross Engineering Company, B-193953, February 23, 1979, 79-1 CPD 129. Here the solicitation provided that a late offer could be considered if it was "submitted by mail" and the "late receipt was due solely to mishandling by the Government after receipt at the Government installation." Without some documentary evidence, such as a time date stamp, showing timely receipt at the installation and subsequent mishandling by the Government, a late offer cannot be accepted. Gross Engineering, supra.

OPI does not claim that the late receipt of its proposal was due to Government mishandling after the proposal arrived at Education's offices, but rather only that delivery of its proposal was delayed after it arrived in Washington. Since that delay may be attributable to the Postal Service and not to Education, there is no basis for our sustaining the protest. In this respect, we point out that a delay by the Postal Service does not constitute "Government mishandling" within the meaning of the solicitation. Kessel Kitchen Equipment Co., Inc., B-198447, October 5, 1977, 77-2 CPD 271.

The protest is summarily denied.



For The Comptroller General  
of the United States