

MS Copper

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DECISION



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

[Protest of Late Proposal Rejection]

FILE: B-200164

DATE: September 18, 1980

MATTER OF: Satellite Systems Engineering, Inc.

DIGEST:

Handcarried proposal which is received after time set for receipt of proposals because of traffic and other problems allegedly beyond control of offeror is properly rejected as late.

[Satellite Systems Engineering, Inc. (Satellite) protests the refusal of the Department of Commerce (DOC) to consider its proposal submitted in response to solicitation No. SB80NBS0054. Although the handcarried proposal was submitted late, the protester contends that the reason for the delay was due to circumstances beyond its control and therefore DOC should not be precluded from considering it.]

Sealed proposals were to be submitted by August 26, 1980 at 5:00 p.m. The protester's proposal was received at 5:14. According to the protester, the delay in delivery was caused by office machine troubles and a traffic accident encountered by the firm's courier while en route to the location designated for delivery of the proposal.

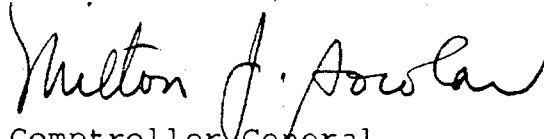
[These circumstances provide no basis for permitting consideration of a late proposal. An offeror has the responsibility to assure the timely arrival of its proposal. Leonard Lane Associates, B-195388, August 20, 1979, 79-2 CPD 134. The fact that circumstances leading to late delivery of a proposal are beyond the control of the offeror, such as unexpected traffic problems, does not relieve the offeror of its obligation to assure the timely arrival of its proposal.] Phelps-Stokes Fund, B-194347, May 21, 1979, 79-1 CPD 366.

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Generally, 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 submission without requesting a report from the procuring activity.] H. Oliver Welch & Company, B-193870, February 9, 1979, 79-1 CPD 96. We have done so here.

[The protest is summarily denied.]

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States