

Mr. Japikse

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DECISION



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

[Protest of Late Bid Consideration]

FILE: B-200883

DATE: February 24, 1981

MATTER OF: Fortec Constructors

DIGEST:

Where bid is dispatched by certified mail more than five days prior to bid opening, and received after bid opening but prior to award, applicable regulation does not require rejection of bid merely because address on envelope in which it was mailed did not contain zip code.

Fortec Constructors protests the anticipated award of a contract to CWC, Inc. under invitation for bids (IFB) DACA31-80-B-0105 issued by the Army Corps of Engineers for construction of a heat recovery incinerator for Fort Knox. Fortec's apparent low responsive bid was displaced by receipt three days after bid opening of CWC's bid which had been posted by certified mail six days prior to bid opening. Fortec believes CWC's otherwise responsive bid should not be considered because in Fortec's opinion CWC's failure to include a postal zip code on its bid envelope was the direct cause of its late receipt. We disagree.

Fortec recognizes that the IFB contained the standard late bid provision found in Defense Acquisition Regulation (DAR) § 7-2002.2, which provides:

"(a) Any bid 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 either:

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

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According to the protester, however, this language must be read "as requiring that the bid be mailed to the office designated in the solicitation (i.e., with the proper zip code)" since any "other reading would give the bidder the benefit of the five-day rule no matter how it addressed its bid envelope."

[There is some question as to whether CWC did or did not address its bid envelope in the manner "designated" in the solicitation since the contracting office address appears several times in the bid documents both with and without a zip code. In any event, we do not believe the absence of the zip code warrants rejection of the bid. In this regard, the agency reports that it has been advised by the Postal Service that normal delivery would have been within three days and that the absence of the zip code would have delayed delivery by only one day. Obviously, the late delivery of the bid, which was mailed six days prior to bid opening, appears to have resulted from something other than the lack of a zip code on the envelope.]

Accordingly, we believe consideration of the late bid is consistent with DAR § 7-2002.2. Therefore, the protest is denied.]

Milton J. Aorlan

For The Comptroller General
of the United States