

DECISION



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

*PL-1
Phillips*

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FILE: B-204819

DATE: October 19, 1981

MATTER OF: Everlast Sporting Goods Mfg. Co., Inc.

DIGEST:

1. Late proposal sent by regular mail 7 days before the date specified in the RFP for the receipt of proposals was properly rejected since it was not sent by certified or registered mail as provided in the RFP.
2. Protest is summarily denied where protester's initial submission demonstrates affirmatively that protester is not entitled to relief.

Everlast Sporting Goods Mfg. Co., Inc. (Everlast), protests the rejection of its late proposal by the General Services Administration (GSA) under request for proposals (RFP) No. 10PN-HRS-0071.

Everlast's proposal was rejected because it was not received until August 28, 1981, which was after the August 14, 1981, closing date specified in the RFP, and it was not sent by certified or registered mail. Everlast contends that the proposal should be considered because it was sent by regular mail on August 7, 1981, and the United States Postal Service was at fault for the late receipt.

We do not consider the protest to have merit.

Paragraph 8(a)(1) of Standard Form 33A, Solicitation Instructions and Conditions, incorporated by reference into the RFP, provides that a late proposal can be considered if it was sent by registered or certified mail not later than the the fifth calendar date prior to the date specified for the receipt of offers. We have held that there is no exception for considering a late proposal sent by regular mail

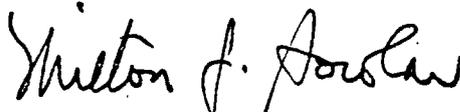
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irrespective of the circumstances. Health Management Systems, Inc., B-195438, November 23, 1979, 79-2 CPD 371. Therefore, the rejection of Everlast's late proposal was proper.

Accordingly, the protest is denied.

We have decided the protest on the basis of Everlast's initial submission without further development under our Bid Protest Procedures, 4 C.F.R. § 21 (1981), because the documents submitted, read in the light most favorable to Everlast, affirmatively demonstrate that Everlast is not entitled to relief. Devoe and Reynolds Company, B-197457, February 7, 1980, 80-1 CPD 111.

for 
Comptroller General
of the United States