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**DECISION**



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

December 9, 1981

**FILE: B-204948**

**DATE:**

**MATTER OF: Policy Analysis Inc.**

**DIGEST:**

Solicitation late proposal provision concerning mishandling of offers by the Government after receipt at the Government installation is not for application to proposal delivered by common carrier, since provision applies only to offers submitted by mail.

Policy Analysis Inc. (PAI) protests the rejection of its proposal submitted in response to request for proposals (RFP) ONP-81-5, issued by the United States Department of Labor, Employment and Training Administration, Office of National Programs. PAI asserts that its proposal was improperly rejected as being late when, in fact, it was delivered in a timely fashion to the mailroom of the facility in question and its late receipt in the room specified in the RFP was due to Government mishandling.

The RFP indicated that sealed offers would be received in Room 6320, 601 "D" Street, N.W., Washington, D.C., until 2 p.m., September 17, 1981. PAI's proposal was delivered by Federal Express, a commercial carrier, to the mailroom at this facility at 9:34 a.m., on September 17, 1981, but was not delivered to Room 6320 until 2:45 p.m. the same day.

The RFP contained a "late proposal" clause which stated:

"(a) Any proposal 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:

\* \* \* \* \*

"(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation."

Since the above provision applies only to proposals that have been submitted by mail and PAI's proposal was submitted through a commercial carrier and not by mail, consideration of PAI's proposal would not be permissible and rejection of the proposal was proper. See St. Charles Manufacturing Co., B-202525, April 22, 1981, 81-1 CPD 312, and cases cited therein.

Accordingly, PAI's protest is denied.

*for*   
Comptroller General  
of the United States