

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

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**FILE:** B-209503**DATE:** March 22, 1983**MATTER OF:** Utah Geophysical Inc.**DIGEST:**

1. When a bid arrives late in the designated office, in order to be considered acceptable, it must have been received in the post office box before the bid opening and the late receipt must have been due "solely" to mishandling by the Government; although bid was obtained from post office box after bid opening, that does not establish that the bid was in the box before bid opening.
2. Bidder bears responsibility to assure timely arrival of bid and late receipt will result in bid's rejection unless specific conditions of IFB for consideration of late bids are met.

Utah Geophysical Inc. (UGI) protests that the bid submitted under invitation for bids (IFB) DE-FB20-82LC10932 issued by the Laramie Energy Technology Center (LETC), Department of Energy, for a seismic survey should not have been rejected as late.

We deny the protest.

The IFB provided that bids were to be addressed to "Laramie Energy Technology Center, Attn: Contracts Office, P.O. Box 3395, University Station, Laramie, WY 82071." The bid opening was scheduled for September 23, 1982, at 2 p.m., but UGI's bid was not received in the Contracts Office until 2:45 p.m. Therefore, UGI's bid was rejected as late.

UGI believes that the bid sent by certified mail on September 20, 1982, was in the post office box prior to 2 p.m. on September 23, 1982, and, therefore, was timely.

Where a bid is received late in the designated office, in order to be considered timely, it must have been received in the post office box before the bid opening time and the

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late receipt in the designated office must have been due "solely" to mishandling by the Government. Geronimo Service Company, B-199864, October 28, 1980, 80-2 CPD 325; 49 Comp. Gen. 697 (1970). LETC picks up the mail from the post office box twice a day--once in the morning at about 10 a.m. and once in the afternoon. The LETC messenger who obtained the bid from the post office has indicated that on September 23, 1982, he arrived at work at about 2:10 p.m. and went to the post office shortly thereafter for the afternoon mail pickup. The drive to the post office takes about 5 minutes.

Although the bid was obtained from the post office after 2 p.m., that does not establish that the bid was in the post office box before 2 p.m. Further, UGI has presented no evidence that the bid was in the box before 2 p.m. Therefore, we are unable to conclude that the bid was late solely to mishandling by the Government and that it was improper to reject the bid as late. Geronimo Service Company, supra. Cf. 49 Comp. Gen. 697 (1970).

UGI also contends that the bid should not be considered late because it alleges it mailed the bid at the earliest possible opportunity. However, it is the bidder's responsibility to assure timely arrival of its bid and late receipt will result in the bid's rejection unless the specific conditions of the IFB for consideration of late bids are met. Sigma Treatment Systems, B-207791, June 21, 1982, 82-1 CPD 613. The specific conditions are that the bid was sent by certified or registered mail at least 5 days prior to bid opening or that the sole reason for delay is mishandling by the contracting agency after timely receipt at the installation. Geronimo Service Company, supra. In this case, the exceptions have not been met.

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Comptroller General  
of the United States