

DECISION



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

FILE: B-210104

DATE: May 17, 1983

MATTER OF: Visions, Ltd., d/b/a Visions
Paratechnical

DIGEST:

1. Statement by president of subcontractor, who was to prepare and submit part of awardee's proposal, that it submitted its part of proposal prior to 10 a.m. deadline indicated in solicitation may, in the absence of evidence refuting the statement, be accepted by procuring activity as competent evidence of when subcontractor submitted its proposal.
2. Where solicitation for expedited procurement did not contain a "late quotation" provision and there was a dispute concerning whether part of awardee's proposal arrived before or after time called for in solicitation, GAO cannot conclude that procuring activity limited itself to considering only those proposals submitted prior to time specified in the solicitation. Rather, the record indicates that procuring activity was indicating a general timeframe prior to award for receipt of proposals.

Visions, Ltd., d/b/a Visions Paratechnical (Visions), protests the award by the United States Information Agency (USIA) of contract No. 1A-20445-23, for the installation of cable, moving and reinstallation of ADP equipment to Control Cable Inc. (CCI).

The protest is denied.

According to the record, on September 24, 1982, USIA received an unexpected congressional approval of its plan to move its operations, located at four separate locations, to a single new building. The General Services Administration (GSA) signed a lease for the new building on October 1, 1982, with occupancy of one floor, the sixth floor, scheduled for approximately 60 days. Due to the severe time

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limitations (plans for the move had not been completed), there was not sufficient time to formally advertise or even seek competition through the Commerce Business Daily. Consequently, USIA contacted those firms that it knew were capable of performing the work covered by the procurement. These firms were invited to a preproposal meeting held on November 18, 1982.

At the preproposal meeting a letter solicitation, with pertinent drawings, was given to the five firms in attendance. Proposals were due by 10 a.m., on November 22, 1982. The letter solicitation invited the offerors to address six technical competency criteria as well as furnish a cost estimate for the sixth floor.

Proposals were received from Visions and CCI by 10 a.m., on November 22. Both of these proposals were copied and hand-carried to the technical evaluators located in separate buildings. CCI's proposal consisted of two letters--one from CCI and the other from its proposed subcontractor, Vraye Foy, Ltd. The Vraye Foy letter was not delivered to the technical evaluators at the time the rest of the material was delivered to them. Moreover, since the Vraye Foy letter was not at first recognized as being part of a proposal, it was not time-stamped.

While CCI's proposal did indicate that the ADP equipment would be moved by a subcontractor, the proposals were not read before they were copied and distributed to the technical evaluators and it was not until the contract specialist returned from distributing the proposals that she discovered the Vraye Foy letter on her desk.

A cost comparison was made of the two proposals. The evaluated price for CCI was \$16,224, while the evaluated price for Visions was \$28,375. With regard to the technical evaluation, prior to receipt of the Vraye Foy letter, CCI's score was 84, while Visions was 96. After receipt of the Vraye Foy letter, CCI's score was raised to 92 and Visions' score remained at 96. On November 24, award was made to CCI.

Subsequent to award, it was brought to the contracting officer's attention that there were several serious mathematical errors made in the cost calculations. The calculations were redone and it was determined that CCI's evaluated price was \$45,024, while Visions' evaluated price was \$49,975.

Visions argues that USIA performed the evaluations based on both the 84 and 92 technical evaluation score for

CCI and, because it was unaware of the new price evaluations, concluded that regardless of whether the 84 or 92 score was used, CCI's offer was the most advantageous. Visions contends, however, that when the corrected amounts for price are taken into consideration, Visions is the low overall proposer based on the technical evaluation of 84 for CCI. Visions admits that it is not the overall low offer if the technical evaluation for CCI is 92. However, Visions argues that USIA improperly evaluated CCI's proposal on the basis of information received after the 10 a.m., November 22, deadline.

Neither the solicitation specifications, the Federal Procurement Regulations nor decisions of our Office require that timely receipt of hand-carried bids or proposals be proved by a time-date stamp or other documentary evidence maintained by the Government installation but, instead, all relevant evidence is for consideration in determining whether a hand-carried proposal was timely received. For example, we have held that statements by Government personnel as to time of receipt of low proposal are competent evidence of that fact. See Pan Am Construction & Management Co., B-191238, May 9, 1978 78-1 CPD 352. See also Fire Trucks, Inc., B-185743, May 12, 1976, 76-1 CPD 316.

In this case, Vraye Foy's letter was not identified as part of CCI's proposal until after 10 a.m., and the only evidence of when the letter was actually delivered was a statement by the president of Vraye Foy that the letter was delivered prior to 10 a.m. While we recognize that this might be considered a self-serving statement, in the absence of evidence refuting the statement, we will not object to the procuring activity's acceptance of Vraye Foy's statement as competent evidence of when Vraye Foy's letter was delivered.

However, even if Vraye Foy's letter was delivered after 10 a.m., we note that the solicitation did not contain a "late quotations" provision. Therefore, we cannot conclude that under the circumstances of this case, the procuring activity limited itself to considering only those proposals submitted prior to 10 a.m. Rather, the record indicates that the procuring activity, in attempting to complete the procurement in an expeditious manner, essentially was indicating a general timeframe prior to the award for receipt of proposals. In our view, the procuring activity did not act improperly by considering the information contained in Vraye Foy's letter. See R.S. Bowers Construction Company, B-208164, November 29, 1982, 82-2 CPD 482.

Therefore, the protest is denied.

for *Milton J. Fowler*
Comptroller General
of the United States