

DECISION

26878
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-213521

DATE: November 18, 1983

MATTER OF: Tobias Associates, Inc.

DIGEST:

Proposal sent by United Parcel Service "Next Day Air" service which was received in the office designated in the solicitation after the time specified in the solicitation must be rejected.

Tobias Associates, Inc. (Tobias), protests the General Services Administration's (GSA) rejection of its late proposal in response to request for proposals No. GSA-3FC-83-N-008, on grounds that it should not be penalized for delays caused by United Parcel Service (UPS).

Proposals were required to be delivered to the GSA Business Service Center, Philadelphia, Pennsylvania, by 4 p.m., Wednesday, September 21, 1983. Tobias sent its proposal by UPS "Next Day Air" service in Ivyland, Pennsylvania, on September 20, 1983. UPS guaranteed delivery by September 21 at 4 p.m.

UPS delivered the proposal instead to a department store near the Business Service Center, and GSA did not receive the proposal until September 23, 1983, at which time it rejected the proposal as late. The solicitation contained the standard late proposal clause.

Tobias requests that we waive the late proposal rules.

The standard late proposal clause in federal solicitations permits consideration of late proposals sent by mail if it is determined that the late receipt was due solely to mishandling by the government after receipt at the government installation or if the proposal was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for the receipt of proposals. We have held repeatedly that an offer delivered to a contracting agency by commercial carrier must be rejected if it arrives late at the office designated in the solicitation. Future Tech, B-210601, March 1, 1983, 83-1 CPD 217. Accordingly, we find that GSA properly rejected Tobias' proposal as late.

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We summarily deny the protest.

for *Harvey R. Van Cleave*
Comptroller General
of the United States