

DECISION



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

FILE: B-216254

DATE: November 20, 1984

MATTER OF: Spartan Building Corporation

DIGEST:

A bid modification received more than 1 hour after bid opening because it was misrouted by Western Union was properly rejected as late.

Spartan Building Corporation protests the rejection by the Federal Aviation Administration of its bid modification as late under invitation for bids No. DTFA07-84-B-00061 for construction of an airport traffic control tower and base building.

We deny the protest.

Bids were opened at 3 p.m. on August 21, 1984. Kemper Construction Company, Inc., was the low bidder at \$1,550,000. At 4:07 p.m., a bid modification was received from Spartan, which would have made Spartan's bid low by \$52,000.

The record shows that a bid modification was initially transmitted by Western Union at 2:24 p.m. However, Western Union, either through its own fault or because Spartan provided the wrong information, erroneously addressed that telegram, so that it had to be reissued, which resulted in the late arrival.

The solicitation provision governing late bid modification provided that telegraphic bid modifications received late could be considered only if the late receipt was due solely to mishandling by the government after receipt at the government installation. See Frasier-Deason, Inc., B-214860, May 1, 1984, 84-1 C.P.D. ¶ 490.

It is undisputed that Spartan's bid modification arrived late solely as a result of an error in the address, caused by either Spartan or Western Union. Therefore, the government could not accept the late bid modification under the terms of the solicitation, and it was properly rejected by the contracting officer.

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The protest is denied.

for Milton J. Fowler
Comptroller General
of the United States