

DECISION

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

FILE: B-218797 **DATE:** May 30, 1985
MATTER OF: Dothan Printing & Litho.

DIGEST:

Where solicitation late bid clause specifies that a late bid may be acceptable if it was mailed sufficiently early to arrive on time but that the only acceptable evidence to establish the time of mailing is either a U.S. Postal Service postmark or metered mail imprint, a late bid post-marked with protester's office postage meter was properly rejected.

Dothan Printing & Litho. (Dothan) protests the rejection by the U.S. Government Printing Office (GPO), Atlanta Regional Printing Procurement Office (RPPO), of its late bid submitted for Program 1459-S, a U.S. Army Safety Center newsletter contract.

The protest is dismissed.

Dothan mailed a bid, with postage affixed by its office postal meter, on March 23, 1985. Bids were opened by GPO at 2:00 p.m. on March 26, 1985. Dothan's bid was received by GPO on March 27 and was rejected as late under the solicitation's late bid clause.

Dothan alleges that its bid was mailed in ample time to arrive by the bid opening date. Dothan states it does not know whether the Postal Service delivered the bid late or whether the bid arrived timely in GPO's mailroom and was not stamped in until after the bid opening date.

GPO has informally advised that the RPPO is a small part of the Atlanta Federal Building. We understand that first class mail, such as Dothan's bid, is delivered once a day at 7:30 a.m. to a central mailroom which is run by the Postal Service for all government agencies in the

032162

building. A RPPO employee picks up the mail daily at 9:30 a.m. and date and time stamps the mail at the RPPO. Dothan's bid was stamped as received by the RPPO at 9:56 a.m. on March 27, 1985. Therefore, it appears that the time of receipt at the central mailroom of the Federal Building was 7:30 a.m. on March 27, 1985.

The solicitation's late bid clause provided that a late bid could be considered if it was received before award and was either (1) sent by mail and in the opinion of the government was sent in sufficient time to reach the designated office prior to bid opening, or (2) sent by mail and the late receipt was due to government mishandling after the bid's receipt at the government installation. The clause further provides that the only acceptable evidence to establish the date of mailing of a late bid is either the U.S. Postal Service's postmark cancellation stamp or a "metered mail imprint which can be clearly identified as a U.S. Postal Service imprint." The clause also provides that the only acceptable evidence of time of receipt at the designated office is the time date stamp of that office or other documentary evidence maintained by that office.

Dothan's bid cannot be considered under the government mishandling exception since the only evidence available indicates that the bid was received at the Federal Building after bid opening.

Similarly, the bid cannot qualify under the first exception because, under the GPO late bid clause, Dothan's postage meter stamp is not acceptable as evidence of the date of mailing. Although Dothan points out that its meter stamp should be accepted as reliable because, under existing procedures, postal employees check the date of mailing and postmark incorrectly metered mail, this procedure is not infallible. Under the Postal Service procedures contained in its Domestic Mail Manual, § 144.534, an examination of all mail is not required; rather, examinations may be made on a selective basis. See 40 Comp. Gen. 148, 150 (1960), in which we upheld the rejection of a late bid where, the postal authorities, operating under the above procedure, failed to detect and postmark an incorrectly metered bid.

B-218797

Accordingly, we find the protest does not state a valid basis for protest. Therefore, it is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Deputy Associate
General Counsel