



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Equitec Properties Company  
File: B-224317  
Date: September 19, 1986

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### DIGEST

Proposal delivered late by Federal Express properly was rejected where the late delivery was caused by the omission of the recipient's room number from the address and was not caused by the government.

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### DECISION

Equitec Properties Company (Equitec) protests the rejection of its proposal by the Nuclear Regulatory Commission (NRC) under request for proposals No. RS-ADM-87-171 issued by NRC for commercial facilities management of One White Flint North.

We dismiss the protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1986), because it is clear on the face of the protest that it is without merit.

Equitec states that proposals were due August 21, 1986, at 11 a.m. Equitec's proposal was sent via Federal Express with a "guaranteed" delivery time of 10:30 a.m. on August 21. Equitec admits that the room number of the intended recipient was inadvertently omitted. Equitec states that Federal Express attempted to deliver the letter at 9:30 a.m., but acceptance was refused by the government due to the missing room number. After the Federal Express carrier finally obtained the room number, delivery was made at 5:20 p.m.

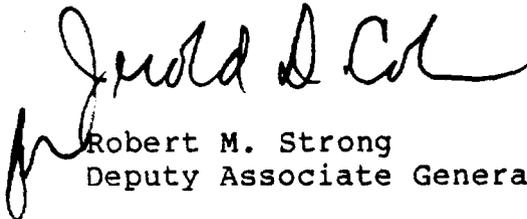
Equitec argues that the purpose of closing deadlines for receipt of proposals is to equalize the time each offeror has to prepare its offer, and that since Federal Express took control of Equitec's offer on August 20, the intent behind the rule has not been violated. Equitec also argues that delivery was attempted at 9:30 a.m. and something so insignificant as an omitted room number should not cause

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rejection of a qualified offeror. Finally, Equitec contends that it is in the government's best interest to have as many proposals as possible in order to increase competition.

An offer delivered to an agency by Federal Express or other commercial carrier is considered to be hand-carried and, if it arrives late, it can only be considered if it is shown that the paramount cause for the late receipt is some government impropriety. Rodale Electronics Corp., B-221727, Apr. 7, 1986, 86-1 C.P.D. ¶ 342. An offer is late if it does not arrive at the office designated in the solicitation by the time specified. Id. Here the record does not show that government impropriety was the paramount cause of the late delivery of Equitec's proposal. Rather, the late delivery was caused by Equitec's inadvertent omission of the appropriate room number for delivery.

The reason for the late proposal rules is that the manner in which the government conducts its procurements must be subject to clearly defined standards that apply equally to all, so that fair and impartial treatment is ensured. There must be a time after which offers generally may not be received. To permit one offeror to deliver its proposal after the closing date inevitably would lead to confusion and unequal treatment of offerors and thereby would tend to subvert the competitive system. While we realize that by application of its late proposal rules the government at times may lose the benefit of proposals that offer terms more advantageous than those received timely, maintaining confidence in the competitive system is of greater importance than the possible advantage to be gained by considering a late proposal in a single procurement. DBMS, Inc., B-222605, May 28, 1986, 86-1 C.P.D. ¶ 498.

  
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