



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: ALM, Inc.
File: B-225679
Date: February 13, 1987

DIGEST

Agency's decision to extend the deadline for proposal submission due to inclement weather is unobjectionable, even though protester was not informed of extension until after original deadline had passed, where protester, who already had submitted a timely offer, was not competitively prejudiced.

DECISION

ALM, Inc., protests the Navy's decision to extend the time for proposal submission under request for proposals (RFP) No. N00019-85-R-0073. We dismiss the protest.

As issued, the RFP provided that proposals must be submitted to the Navy by 10 a.m. on January 28. On January 27, ALM called the contracting officer to determine if the Navy planned to extend the time for proposal submission due to the severe snow storm which occurred in the Washington, D.C., area on January 26, and was told that no extension was planned. ALM delivered its proposal to the contracting division on January 28 at 9 a.m., at which time the Navy still was informing offerors that no extension of the submission time would be granted. At 11 a.m. on January 28, the Navy informed ALM that the time for proposal submission had been extended to 3 p.m. that same day. ALM protests that it was improper for the Navy to extend the time for proposal submission after the deadline had passed.

The Navy has advised our Office that after ALM left the contracting division the contracting officer became aware that a number of offerors, as well as Navy personnel, were delayed due to poor road conditions. The agency then decided to extend the time for proposal submission from 10 a.m. to 3 p.m. The Navy reports that it made this decision before

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the 10 a.m. deadline but did not immediately notify ALM because the firm's proposal already had been submitted.

The Federal Acquisition Regulation (FAR), 48 C.F.R. § 14.402-3(a)(2) (1986), permits the contracting officer to extend the time for bid opening in a sealed bid procurement, even after the scheduled time has passed, if an emergency or unanticipated event interrupts normal governmental processes so that the conduct of bid opening as scheduled would be impractical. In such circumstances, the agency is permitted to proceed with bid opening as soon as practical after the scheduled time. FAR, 48 C.F.R. § 14.402-3(c).

While the present case involves a negotiated, rather than a sealed bid, procurement, and there is no separate regulation dealing with these circumstances for negotiated procurements, we see no reason why the same rationale should not apply to the facts here. Indeed, it would be our view that where the contracting agency determines that weather conditions could reduce competition to some significant extent, extending the closing date for a reasonable period of time not only is permissible, but is advisable. While it is unfortunate that ALM was not informed of the time extension before it delivered its proposal, we find no indication that ALM was competitively prejudiced by the extension.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel