



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: The Fonda Group, Inc.  
File: B-225823.2  
Date: April 28, 1987

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### DIGEST

Proposal received by the agency 2 days after closing date for receipt of initial proposals properly was rejected, since it was sent by regular mail and no government mishandling was involved.

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### DECISION

The Fonda Group, Inc., protests the rejection of its offer by the General Services Administration (GSA) under solicitation No. 7PRT-53034/N4/7FX for paper plates. We dismiss the protest without obtaining an agency report since on its face the protest is without merit. 4 C.F.R. § 21.3(f) (1986).

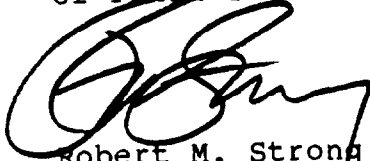
The solicitation established January 20, 1987, as the closing date for the receipt of offers at GSA's Federal Supply Service offices in Fort Worth, Texas. Fonda states that it did not know of the solicitation until January 13, when it learned of it through a customer. Fonda obtained an incomplete copy of the solicitation from its customer, used it to prepare an offer, and sent the offer from New Jersey by regular mail on January 15 or 16. GSA received Fonda's offer on January 22, 2 days after closing, and rejected it as late.

Fonda contends that its offer was mailed in time to reach GSA prior to the closing date. Fonda claims that GSA is relying on technicalities to exclude Fonda from the procurement because of alleged deficiencies, which Fonda disputes, in Fonda's performance under another contract.

The standard solicitation clause governing late proposals permits consideration of a late proposal only if sent by registered or certified mail at least 5 days before the closing date for receipt of proposals or where the delay was caused solely by government mishandling after receipt of the proposal at the government installation. See Federal Acquisition Regulation, 48 C.F.R. § 52-215.10

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(1985); Bayshore Clinical Laboratories, B-223270, June 26, 1986, 86-2 C.P.D. ¶ 12. Since neither of these exceptions applies here, we find no basis to object to GSA's rejection of Fonda's offer.



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