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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Chattanooga Office Supply Company

File: B-228062

Date: September 3, 1987

DIGEST

Where the bid opening officer receives a hand-carried bid after declaring the arrival of the 10:00 a.m. bid opening time as shown on the bid opening room clock, the agency properly rejected the bid as late. The bid opening officer's declaration is determinative of lateness unless shown to be unreasonable under the circumstances.

DECISION

Chattanooga Office Supply Company protests the rejection of its hand-carried bid as late by the Tennessee Valley Authority, (TVA), under invitation for bids (IFB) No. AB-12561A issued for an indefinite quantity of mobile partitions and components and calling for the submission of bids by 10:00 a.m. on July 30, 1987. Chattanooga states that its representative entered the bid opening room sometime between 15 and 30 seconds after the hour of 10:00 a.m. according to the bid opening room clock and that, after checking the time against the local telephone time reporting service, it was discovered that the bid opening room clock was between 1 and 2 minutes fast. Accordingly, the protester argues that the bid opening officer erroneously declared the time for the submission of bids to have expired earlier than it in fact had and that its bid was improperly rejected.

We dismiss the protest.


Under the Federal Acquisition Regulation (FAR), 48 C.F.R. § 14.402-1(a) (1986)1/, the bid opening officer must decide when the time set for opening bids has arrived and must inform those present of that decision. That section of the FAR also requires the bid opening officer to publicly open

1/ TVA is subject to the procurement procedures in the Federal Property and Administrative Services Act and the FAR, absent a determination to the contrary by the TVA Board. Newport News Industrial Corp.; Simulation Associates, Inc., B-220364, Dec. 23, 1985, 85-2 CPD ¶ 705. There is no suggestion such a determination was made here.

all bids received before that time. There is no requirement that the bid opening officer check the time with the telephonic time report. Here, the bid opening officer used the clock in the bid opening room to determine that the time for the submission of bids had expired and that it was time for bid opening.

The bid opening officer's declaration of bid opening time is determinative of lateness unless it is shown to be unreasonable under the circumstances. Hi-Grade Logging, Inc., B-222230; B-222231, June 3, 1986, 86-1 CPD ¶ 514; K. L. Conwell Corp., B-220561, Jan. 23, 1986, 86-1 CPD ¶ 79. There is nothing in the protester's submission to show that the clock in the bid opening room showed a time before 10:00 a.m.; indeed, the protester's representative stated, according to the protester's submission, that the time was between 15 and 30 seconds after 10:00 a.m. on the bid opening room clock. Further, although the subsequently obtained telephonic time report showed the bid opening room clock to be between 1 and 2 minutes fast, the record contains no evidence to show that the bid opening officer acted unreasonably in declaring bid opening based upon the time shown on the bid opening room clock. The 1 to 2 minute time difference is not sufficient in itself to render the declaration unreasonable. See Hi-Grade Logging, Inc., B-222230; B-222231, supra; K. L. Conwell Corp., B-220561, supra.

The protest is dismissed.


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