



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Ironhorse Ltd.

**File:** B-256582

**Date:** March 4, 1994

Gaines S. Smith for the protester,  
John L. Formica, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

### DIGEST

Agency properly rejected bid as late under an invitation for bids where the bid, delivered by a commercial carrier, was received late by the agency because of adverse weather conditions.

### DECISION

Ironhorse Ltd. protests the Department of the Army's refusal to accept its late bid under invitation for bids (IFB) No. DAKF40-94-B-0010. The bids were opened at 1:00 p.m., February 14, 1994, at the Directorate of Contracts Office, Fort Bragg, Fayetteville, North Carolina. Ironhorse's bid, delivered at 1:26 p.m., was rejected by the Army.

We dismiss the protest.

Ironhorse sent its bid by Federal Express on February 10, and attributes Federal Express's failure to deliver the bid until after bid opening to severe weather. The protester argues that its late bid should be accepted by the agency, because "[t]he late arrival of [its] bid was not the result of negligence on the part of Ironhorse or Federal Express, but was caused by an Act of God."

It is the bidder's responsibility to assure timely receipt of its bid, and the bidder must bear the responsibility of the late arrival of its bid unless the specific conditions set forth in the Federal Acquisition Regulation (FAR) for consideration of late bids are met. Orange Shipbuilding Co., Inc., B-230285, March 9, 1980, 88-1 CPD ¶ 246. These rules permit the consideration of late bids which were sent by certified or registered mail at least five days prior to bid opening, or sent by U.S. Postal Service Express Mail Next Day Service not later than 5:00 p.m. at least two working days prior to the bid opening, or where the

sole or paramount cause of late receipt is Government mishandling after receipt at the government installation. FAR § 14.304-1.

Ironhorse's bid was not sent by certified, registered, or U.S. Postal Service Express Mail, and the severe weather that Ironhorse asserts was responsible for the late submission of its bid is not a reason that would permit the acceptance of its late bid. Orange Shipbuilding Co., Inc., supra; FAR § 14.304-1.

The protest is dismissed.

  
James A. Spangenberg  
Assistant General Counsel