



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Jones Janitorial & Carpet Cleaning Service Inc.

File: B-266059.2

Date: October 16, 1995

DECISION

Jones Janitorial & Carpet Cleaning Service Inc. protests the rejection of its offer as late by the General Services Administration under solicitation No. GS05-P-95-GAC-0083.

The protester challenges the rejection of its proposal, arguing that even though received late, its proposal should be considered for award since the late arrival of its package, sent by Federal Express overnight air for Saturday delivery, was beyond its control. Jones states that "for one reason or another there was no one there to receive" its proposal and that the following Monday Federal Express was closed since it was a holiday.

Offerors are responsible for delivering their proposals to the proper place at the proper time. International Steel Erectors, B-233238, Feb. 13, 1989, 89-1 CPD ¶ 146. A proposal delivered to an agency by a commercial carrier, such as Federal Express, is considered to be hand-carried and, if it arrives late, can only be considered for award if it is shown that some government impropriety was the sole or paramount cause of the late arrival at the designated place. The Chappy Corp., B-252757, July 20, 1993, 93-2 CPD ¶ 44. To establish that government impropriety was the sole or paramount cause of the late receipt of the proposal, the offeror must establish that it did not significantly contribute to the late delivery by not allowing enough time to permit a timely submission. Wyatt and Assocs., B-243349, July 1, 1991, 91-2 CPD ¶ 5. The protester has not done that here since all the protester has shown is that delivery of its proposal was attempted on a Saturday, a day the procurement agency was closed, and that a subsequent delivery was not made until after the closing time. Thus, it is the protester's failure to allow sufficient time for delivery, and not improper government action, that resulted in the late submission.

The protest is dismissed.

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