

11972 *Mann*

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-196601

DATE: November 8, 1979

MATTER OF:

Kealy, Hamilton, Bland & Company *DLG03308*

DIGEST:

[Protest of Bid Rejection for Lateness]

Proposal sent by courier service and received after proposal due date was properly rejected where late receipt was fault of courier service, not Government.

Kealy, Hamilton, Bland & Company (Kealy) protests the rejection of its proposal under request for proposals (RFP) No. OIG-80-R-4 issued by the Department of Agriculture for auditing services. The basis for the rejection was that the proposal was received late. We believe the rejection was proper. *AGC 00042*

This case is one in which it is clear from the protester's initial submission that the protest is without legal merit, and we therefore will decide the matter on the basis of this submission without requesting a report from the contracting agency. Industrial Maintenance Services, Inc., B-195216, June 29, 1979, 79-1 CPD 476.

Kealy admits that its proposal was delivered by courier service 26 minutes after the time set in the RFP for proposal receipt, and that none of the circumstances in the solicitation's late proposal clause under which a late proposal may be considered is applicable. However, Kealy contends that the proposal should nonetheless be considered in view of the firm's "intent to achieve a timely delivery," the fact that the proposal was transferred to the courier service two days before the due date, and because the submission was only 26 minutes late. In this connection, Kealy suggests that based on the advent of carrier services offering guaranteed overnight delivery,

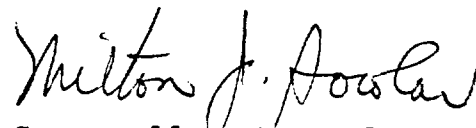
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the proposal was properly rejected. Fugro Northwest, Inc., B-196078, October 11, 1979, 79-2 CPD ____.

Finally, any proposed revision to Federal procurement regulations should be addressed to the agencies responsible for their issuance.

The protest is summarily denied.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States