

Eaton
Proc

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DECISION

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

FILE: B-198672

DATE: June 6, 1980

MATTER OF: Wilson & Hayes, Inc.

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DIGEST:

1. Since late telegraphic bids and proposals, or modifications of such, may not be considered unless there has been mishandling by Government during or after receipt, protest which neither alleges nor provides evidence of mishandling, but merely recites that telegram was sent 66 minutes before closing time, will be summarily denied, since dispatch time does not itself indicate mishandling.
2. When it is clear from initial submissions that protester has no chance of success on merits, GAO will summarily deny protest without requesting formal report from procuring agency.

Wilson & Hayes, Inc. [protests] the rejection of its telegram modifying a proposal [previously submitted in response to solicitation No. W00140-80-R-5226, issued by the Naval Regional Procurement Office, Philadelphia, Pennsylvania.] ^{INVOLVING} AG 00

The protester does not state why the modification was rejected or why it believes the rejection to be improper. Despite our request for additional details, the protester merely states that the telegram was sent at 2:54 p.m. for a 4 p.m. closing.

We understand from the Navy that it rejected the telegram as late because it was not received until Monday, April 21, 1980, even though a telephone call from Western Union regarding the message was received at 4:08 p.m. on Friday, April 18, 1980, the proposal due date.

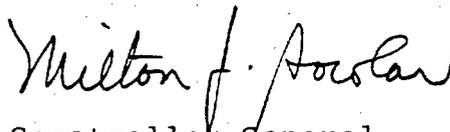
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On this basis, we find the protest to be without legal merit. A late telegraphic bid or proposal, or modification of such, may not be considered unless there has been mishandling by the Government during or after receipt at a Government installation. See Micro-Dynamics, Inc., B-188325, May 31, 1977, 77-1 CPD 373. Wilson & Hayes, Inc. has neither alleged nor provided any evidence that the Government mishandled the telegram before rejecting it as late. Clearly, the dispatch time, 66 minutes before closing, does not provide a basis to conclude that the telegram arrived at the Government installation in sufficient time to be considered. See John Wile Construction Company, Inc., B-195717, November 16, 1979, 79-2 CPD 358. The firm therefore has not stated a basis of protest for which relief--i.e. a recommendation that the telegraphic modification be considered--could be granted by our Office.

When, as here, it is clear from initial submissions that a protester has no chance of success on the merits, we will reach a decision without requesting a formal report from the procuring agency. W. M. Grace, Inc., B-197192, January 10, 1980, 80-1 CPD 33.

The protest is summarily denied.



For The Comptroller General
of the United States