

DECISION



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

*Mr Copper*  
*PLCC*  
*14950*  
*[Protest of Proposal Rejection for Lateness]*

FILE: B-200159

DATE: September 18, 1980

MATTER OF: Rally Enterprises

DIGEST:

Late proposal for multiple award schedule contract is properly rejected since late proposal sent by regular mail may not be considered for award under rules applicable to procurement.

Rally Enterprises (Rally) protests the rejection of its proposal by the General Services Administration (GSA) under solicitation No. 2FC-FFB-N-A0068. GSA rejected the proposal as late because it was received on August 4, 1980, one working day after the due date. *AGCORO 17*

Rally asserts that its proposal, although late, should be considered because: (1) it did not have sufficient time to prepare its offer from its July 11, 1980 receipt of the solicitation package to the August 1 due date; (2) it was not aware of a "new regulation" regarding consideration of late proposals; and (3) it was unfair of GSA to impose the "unduly onerous requirements" of the "new regulation" in light of the short response time. We find the protest to be without merit.

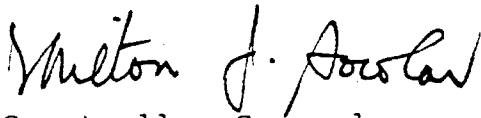
First, the "new regulation" is actually GSA's recently adopted policy of imposing the standard late proposal rules (see Federal Procurement Regulations § 1-3.802.1) on its multiple award schedule contract solicitations. These rules, we understand, were prominently set forth in the solicitation. Any problem Rally had with the application of these rules to the procurement or with the response time provided should have been brought to the agency's attention prior to the closing date for receipt of proposals.

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Second, under those rules, which the contracting officer was obliged to follow, a late proposal sent by mail could be considered only if it was sent by registered or certified mail at least five days prior to the due date for receipt of proposals. Rally sent its proposal by regular mail. Thus, the contracting officer was legally required to reject that firm's proposal, notwithstanding the reasons Rally now offers in support of the protest.

The protest is summarily denied.

  
For the Comptroller General  
of the United States