

Mr. Kuppen

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DECISION



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

FILE: B-201835

DATE: June 3, 1981

MATTER OF: SCM Corporation

DIGEST:

Proposal prepared for multiple-award schedule contract in December after March closing date was properly rejected as late proposal.

SCM Corporation (SCM) protests that the General Services Administration (GSA) should not have rejected as late the SCM December 10, 1980, proposal of a Typetronic electronic typewriter allegedly offering significant technical and price advantages under negotiated multiple-award Federal supply schedule solicitation No. FCGE-D-75140-N. SCM states it was unable to offer the typewriter by the March 5, 1980, closing date specified in the solicitation, because the typewriter was not in existence at that time, and the late proposals clause in Federal Procurement Regulations (FPR) § 1-3.802-2(b) (1964 ed. amend. 193) allows acceptance of a late offer when it is in the Government's best interest.

However, the late proposals clause in FPR § 1-3.802-2(b) was not in the solicitation and the late proposals provision in the solicitation contained no exception which would have permitted acceptance of the SCM late proposal. The only exceptions in the late proposals provision in the solicitation permitting consideration of a late proposal are that the proposal be received before award and either be sent by registered or certified mail at least 5 days prior to the due date for receipt of proposals or be due late to mishandling by the Government after receipt at the Government installation. In the absence of these circumstances, the contracting officer was legally required to reject the SCM proposal as late.

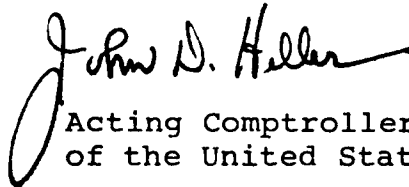
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See Rally Enterprises, B-200159, September 18, 1980, 80-2 CPD 208, affirmed, Rally Rocks, Division of Rally Enterprises, Inc.--Reconsideration, B-200159.2, October 30, 1980, 80-2 CPD 330.

Accordingly, the protest is denied.



Acting Comptroller General
of the United States