

DECISION

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

26673

FILE: B-213265

DATE: October 31, 1983

MATTER OF: Intermed, Inc.

DIGEST:

Bid sent by express mail delivered late by the postal service must be rejected.

Intermed, Inc. (Intermed), protests the rejection of its bid by the Veterans Administration Marketing Center, Hines, Illinois, under invitation for bids (IFB) No. M3-Q1-84.

We summarily deny the protest, without obtaining an agency report, since it is clear from the protester's submission that the protest is without legal merit. 4 C.F.R. § 21.3(g) (Fed. Reg., Vol. 48, No. 11, p. 1932, January 17, 1983).

Intermed admits that the bid was received late, but contends that it should be considered because it was sent 4 days prior to bid opening via United States Postal Service express mail with guaranteed 24-hour delivery. Intermed indicates that the IFB contained the standard clause stating that late bids would not be considered unless they were sent via registered or certified mail at least 5 days before bid opening.

We have held repeatedly in decisions involving the same standard clause that a bid sent by express mail must be rejected if it is delivered late by the postal service. Standard Mfg. Inc., B-209575, March 7, 1983, 83-1 CPD 216; KOH Management and Computer Systems, Inc., B-208683, August 31, 1982, 82-2 CPD 197; Sigma Treatment Systems, B-207791, June 21, 1982, 82-1 CPD 613.

The fact that Intermed may have in the past extended expiration dates and pricing in General Services Administration and Federal Supply Schedule contracts is not germane.

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Late receipt of a bid will result in the bid's rejection unless the specific conditions of the IFB for consideration of late bids are met. Utah Geophysical Inc., B-209503, March 22, 1983, 83-1 CPD 288.

for *Milton J. Forster*
Comptroller General
of the United States