

DECISION



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

27141

FILE: B-213917

DATE: January 3, 1984

MATTER OF: The Glyn Group, Inc.

DIGEST:

1. Proposal hand-delivered after time specified for receipt was properly rejected as late even though delay was caused by unusually severe weather since consideration of late proposals may be permitted only in the exact circumstances provided for in the solicitation.
2. Proposal delivered by hand after time specified for receipt cannot be considered on ground that proposal offers significant cost and/or technical advantages to the government since solicitation contained no provision for such consideration.

The Glyn Group, Inc. protests the rejection of its proposal under request for proposals (RFP) No. 102-24-3-PG issued by the United States Information Agency (USIA) for an audio-visual production for the American Pavilion at the 1985 International Expo in Japan. The protester, apparently delayed by unusually severe weather, admits that its hand-delivered proposal was received late but says that the proposal should nevertheless be considered in the interest of fairness because the proposal represents significant and unique artistic advantages to the government.

Consideration of Glyn's proposal would not be proper. Our Office has consistently held that it is the responsibility of an offeror to assure timely receipt of its proposal and that an offeror must bear the consequences of its late arrival unless the specific conditions of the solicitation for consideration of late proposals are met. Phelps-Stokes Fund, B-194347, May 21, 1979, 79-1 CPD 366. The solicitation's standard late proposal clause only permits the consideration of late proposals which were sent at least 5 days prior to the date specified for receipt of offers by certified or registered mail; where the sole or

027535

paramount cause of delay is government mishandling after receipt at the government installation; or where the proposal is the only one received. Federal Procurement Regulations (FPR) § 1-3.802-1 (1964 ed.). This provision provides no basis to consider a late hand-carried proposal where the messenger carrying the proposal was delayed by severe weather. O.D.N. Productions, Inc., B-194312, April 13, 1979, 79-1 CPD 267; Presnell-Kidd Associates, B-191394, April 26, 1978, 78-1 CPD 324. Accordingly, the delay caused by severe weather does not provide a basis for consideration of Glyn's late proposal. See Devoe & Reynolds Company, B-197457, February 7, 1980, 80-1 CPD 111. In addition, since the solicitation did not contain the alternative provision set forth in FPR § 1-3.802.2, which allows for consideration of late proposals offering significant cost or technical advantages to the government, USIA could not consider Glyn's late proposal on the basis that it contained significant technical advantages. New Jersey Department of Community Affairs, B-181100, May 29, 1974, 74-1 CPD 290.

Since it is clear from Glyn's submission that its protest is without legal merit, we have not obtained an agency report before reaching our decision, Klean-Vu Maintenance, Inc., B-194054, February 22, 1979, 79-1 CPD 126, nor have we honored Glyn's request for a conference regarding its protest since no useful purpose would be served. See Die Mesh Corporation, 55 Comp. Gen. 111 (1978), 78-1 CPD 374.

The protest is summarily denied.

for Henry D. Dan Clave
Comptroller General
of the United States