

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

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FILE: B-213898**DATE:** January 17, 1984**MATTER OF:** Baron & Associates, Inc.**DIGEST:**

Protest against rejection of late proposal is summarily denied where circumstances are not within the exceptions of the "Late Proposal" clause of the solicitation which, contrary to protester's contention, apply to first-step proposals under a two-step procurement.

Baron & Associates, Inc. (Baron), protests the United States Department of the Interior, Bureau of Reclamation, rejection of its proposal as late under request for technical proposals (RFTP) No. 3-SB-10-05900, for a mobile oil processor. We summarily deny the protest.

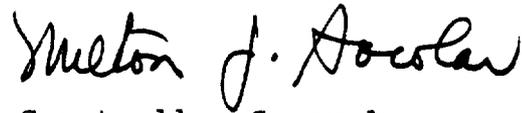
Baron contends that its late proposal should be accepted because Baron has technically assisted the agency since 1981 and the RFTP incorporates a Baron flow diagram. Furthermore, Baron advises that its unpriced technical proposal also should be considered because the proposal was rejected under the first step of a two-step procurement.

Our Office has held that an offeror has the responsibility for the delivery of its proposal to the proper place at the proper time. Exceptions to the rule may be permitted only in the exact circumstances provided for in the "Late Proposals" clause. The only circumstances provided for are that the offer must be sent by registered or certified mail not later than 5 days before the closing date for the receipt of initial proposals or the mailed or telegraphed offer must have been received late due solely to government mishandling. See Burroughs Corporation, B-207660, June 23, 1982, 82-1 CPD 622. Neither exception is applicable here.

Regarding the contention that this is the first step of a two-step procurement, our Office has held that the late proposal rules apply in these circumstances. 52 Comp. Gen. 726 (1973) and Angstrom, Inc., 59 Comp. Gen. 588 (1980), 80-2 CPD 20.

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Since the protester's initial submission establishes that the protest is without legal merit, it is unnecessary for us to request an agency report. 4 C.F.R. § 21.3(g) (1983). Accordingly, the protest is summarily denied.

A handwritten signature in cursive script, reading "Milton J. Rowland".

Acting Comptroller General
of the United States