

Chalpin
28043

DECISION



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

FILE: B-214865

DATE: April 23, 1984

MATTER OF: Vanish Pest Control

DIGEST:

Mailed bid received late may be considered only if it was sent by certified or registered mail at least 5 days before bid opening or, if sent by ordinary mail, where the sole reason for the late arrival was mishandling by the government after receipt.

Vanish Pest Control (Vanish) protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. DAKF15-84-B-0003 issued by the Army for pest control.

We summarily deny the protest.

The basis of Vanish's protest is that its bid should not have been rejected as nonresponsive since the acknowledgment to amendment 3 to the IFB received by the Army 2 days after bid opening was mailed 5 days before bid opening.

The amendment is part of the bid and, therefore, an acknowledgment of the amendment received after bid opening is governed by the late bid provisions. Cassidy Cleaning, Inc., B-212196, November 22, 1983, 83-2 CPD 608.

Under the late bid provisions, a mailed bid received late may be considered only if it was sent by certified or registered mail at least 5 days before bid opening or, if sent by ordinary mail, where the sole reason for the late arrival was mishandling by the government after receipt. Defense Acquisition Regulation § 7-2002.2 (Defense Acquisition Circular No. 76-18, March 12, 1979); Jarrett S. Blankenship Co., B-213270, October 25, 1983, 83-2 CPD 504. The word "government" refers to the procuring agency, not the Postal Service. Bichler Company, B-213325, October 24, 1983, 83-2 CPD 489.

Although Vanish states that the acknowledgment was mailed 5 days before bid opening, no evidence has been

presented that it was either sent by registered or certified mail or that the late arrival was due to government mishandling after receipt. Therefore, rejection of the bid was proper.

Milton J. Aowlan

Acting Comptroller General
of the United States