

DECISION



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

29592

FILE: B-216546

DATE: October 18, 1984

MATTER OF: Triumph United Corporation

DIGEST:

Bid sent by Postal Service express mail that arrives after bid opening is late and may not be accepted. Fact that Postal Service promised to deliver bid earlier than it actually did does not constitute government mishandling at government installation so as to permit consideration of bid.

Triumph United Corporation (Triumph) protests the rejection of its bid as late and the award of a contract to any other firm under invitation for bids (IFB) No. DLA-003-84-B-0013, issued by the Defense Logistics Agency, for maintenance of material handling and vehicular equipment.

The protest is summarily denied.

Triumph contends that the late arrival of its bid was due to delay and mishandling by the United States Postal Service (Postal Service). The bid was sent by Postal Service express mail with a guarantee of overnight delivery.

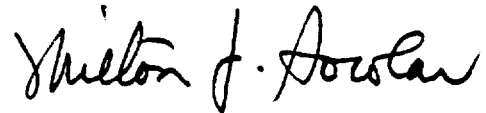
Late bids sent by other than registered or certified mail may be accepted only if the late arrival was caused by government mishandling after timely arrival at the government installation. Federal Acquisition Regulation § 14.304-1, 48 Fed. Reg. 42,177-42,178 (1983) (to be codified at 48 C.F.R. § 14.304-1). Triumph contends that the delayed delivery by the Postal Service constitutes government mishandling in this case.

Triumph's position is without merit. The word "government" in the late bid clause cited above refers to the procuring agency, not the Postal Service. Bichler Company, B-213325, Oct. 24, 1983, 83-2 C.P.D. ¶ 489. Therefore, before the mishandling contemplated can occur, the bid package must be delivered to the procuring agency installation. There is no allegation that mishandling occurred after such delivery. Therefore, rejection of the bid as late was proper.

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Triumph also complains that it had difficulty obtaining bid results, although it admits that it received such results on September 21, while bid opening was on September 13. In any case, a delay by the procuring activity in furnishing bid results would be a procedural deficiency that has no bearing upon the validity of the award. The Allen Products Company, B-213318, Nov. 10, 1983, 83-2 C.P.D. ¶ 548.

The protest is summarily denied.



For Comptroller General
of the United States