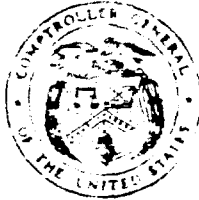


DECISION



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

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FILE: B-218652

DATE: April 26, 1985

MATTER OF: Landis Manufacturing Systems, Inc.

DIGEST:

Late bid sent by commercial carrier cannot be considered unless the paramount cause of the late receipt was improper government action and consideration of the late bid would not compromise the integrity of the competitive procurement system.

Landis Manufacturing Systems, Inc. protests the rejection as late of its bid under solicitation No. DAAEO7-85-B-J448 issued by the United States Army Tank-Automotive Command (TACOM). Landis argues that its bid should be considered since the commercial carrier to which the bid had been entrusted for delivery was responsible for its lateness. Landis also argues that it had been forced to rely on overnight carrier for delivery because it had not received its bid package until a few days before bid opening and that, as the incumbent contractor, it should have automatically received a copy of the solicitation earlier.

We dismiss the protest.

Bid opening was scheduled for 10:30 a.m. on April 3, 1985. According to Landis, the carrier picked up the bid for overnight delivery on April 1. Instead of delivering the bid on April 2 as it should have, however, the carrier instead delivered it on April 3 at 11:17 a.m., 47 minutes late. The carrier failed to complete delivery in a timely fashion due to mechanical failure of one of its aircraft.

Bidders are responsible for the timely delivery of their bids, and the late delivery of a bid generally requires its rejection. See Key Airlines, B-214122, Feb. 27, 1984, 84-1 CPD ¶ 242. A late bid sent by a

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commercial carrier can only be considered if the paramount cause of the late receipt was improper government action and consideration of the late bid would not compromise the integrity of the competitive procurement system. Military Base Management, Inc., B-215649.2, Sept. 10, 1984, 84-2 CPD ¶ 275. Improper government action may be defined as affirmative government action that makes timely delivery to the bid opening location impossible, such as improper or conflicting delivery instructions. T.E. DeLoss Equipment Rentals, B-214029, July 10, 1984, 84-2 CPD ¶ 35.

Landis seems to argue that the bid's late receipt was at least in part due to the agency's failure to send it a copy of the solicitation in a timely manner. If Landis thought that it had not been provided the solicitation so that it had adequate time within which to submit its bid it should have requested an extension of the bid opening date or protested the bid opening time provided prior to bid opening. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1985); Infinity Corp., B-202508.3, July 17, 1981, 81-2 CPD ¶ 45. Landis cannot now shift the blame for late receipt of its bid to the agency.

Finally, Landis argues that it would be in the government's best interest to accept the low bid. The importance of maintaining the integrity of the competitive bidding system, however, outweighs the possibility that the government might realize a monetary savings in a particular procurement by considering a late bid. Parmatic Filter Corp., B-209296, Mar. 8, 1983, 83-1 CPD ¶ 234.

Landis does not state a valid basis for protest. Therefore, pursuant to 4 C.F.R. § 21.3(f), the protest is dismissed.



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