



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Land Mark Realty, Inc.

File: B-224323

Date: December 1, 1986

## DIGEST

1. Allegation that awardee's proposal acceptance period had expired at time of award is without merit where record shows that awardee extended its acceptance period and the award was made within that period.
2. Agency's administrative report, filed 2 days after its required due date, may be considered in resolving the protest where protester has not even alleged that it was prejudiced by the delay.

## DECISION

Land Mark Realty, Inc. (LMR), protests the award of a contract to Green Management Corporation (GMC) under request for proposals (RFP) No. 101-86-079, issued by the Denver Regional Office of the Department of Housing and Urban Development (HUD) for area management broker services for all single family properties held by HUD in Wyoming. LMR contends that the award to GMC was improper because the acceptance period for GMC's proposal had expired. LMR also contends that HUD's administrative report should be disregarded because it was not filed with our Office within the required 25-day period. 4 C.F.R. § 21.3(c) (1986).

We deny the protest.


The RFP was issued on April 28, 1986 and required initial proposals to be submitted by May 28. Offerors were requested to provide a 60-day acceptance period for their proposals. On May 28, GMC telephoned the contracting officer to inquire whether the agency would be able to make an award within the 60-day acceptance period, and was advised by the contracting officer that a possibility existed that a longer period would

be required. As a result, GMC indicated that it would extend its acceptance period and the record shows that on June 5, HUD received a letter from GMC, dated May 28, in which GMC extended its acceptance period until November 30, 1986. HUD awarded the contract to GMC on September 10, and LMR's allegation that GMC's offer had expired is therefore without any factual basis.

Concerning the agency's failure to submit an administrative report in a timely manner, we note that the report was filed with our Office 2 days after the required due date. Our Bid Protest Regulations, 4 C.F.R. § 21.3(c), require the contracting agency to file a report within 25 working days and an agency's failure to comply with the prescribed time limits may result in resolution of the protest without consideration of the untimely submission. See Price Waterhouse, 65 Comp. Gen. 205 (1986), 86-1 CPD ¶ 54. However, LMR has not even alleged that it was prejudiced by the delay and under the circumstances, we believe the facts presented by the agency, which demonstrate that LMR's protest is totally without merit, may be considered.

Finally, we note that LMR takes issue with the contracting officer's failure to request extensions from LMR and GMC of their acceptance periods. However, both offerors unilaterally extended their acceptance periods without being requested to do so and accordingly there was no need for the contracting officer to make such a request.

The protest is denied.

  
Harry R. Van Cleve  
General Counsel