



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The Presidio Corporation
File: B-225714
Date: February 20, 1987

DIGEST

Contracting agency properly rejected offer as late when lateness was not due to government mishandling but rather to offeror's failure to allow sufficient time for proposal to be delivered to procurement office from the agency's mail facility.

DECISION

The Presidio Corporation protests the United States Department of Agriculture's (USDA) rejection of its proposal submitted in response to request for proposals (RFP) No. 00-87-R-7. We dismiss the protest.

USDA rejected Presidio's offer because it was not received by the time set for receipt of offers, 2 p.m. on January 5, 1987. Presidio states that it sent its proposal by express mail on Sunday, January 4, 1987, that the proposal arrived at the USDA's mail unit at 1:35 p.m. on January 5, and that it was signed for by a USDA mailroom clerk at that time. Presidio asserts that its proposal should be considered, even though the contracting officer did not receive the proposal until after 2 p.m., because the proposal had "entered . . . USDA's distribution channel . . . prior to the deadline"

Offerors are responsible for submitting offers so that they reach the office designated in the solicitation by the specified time. Federal Acquisition Regulation (FAR), 48 C.F.R. § 15.412(b) (1986). A late mailed offer may be considered, however, if it was sent by registered or certified mail not later than 5 calendar days before the proposal receipt date or if the paramount cause for lateness was government mishandling after receipt at the government installation. See the clause at FAR, 48 C.F.R. § 52.215-10 (1985).

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Presidio's offer arrived in the mail room at 1:35 p.m., leaving 25 minutes for delivery to the place designated for receipt of offers. It is well-established that offerors must allow a reasonable period of time for internal mail delivery; when they do not do so, late arrival of an offer at the designated location cannot be attributed to government mishandling. See, e.g., Monroe Wire & Cable Co., B-221896, May 28, 1986, 86-1 CPD ¶ 494; Delta Lighting Corp., B-219649, Oct. 30, 1985, 85-2 CPD ¶ 491.

Here, Presidio left only 25 minutes for delivery from the USDA mail facility to the designated room for the Procurement Division. Presidio does not assert that its proposal should have been delivered during that period or that it would have been but for mishandling by USDA. Presidio simply states that its offer should be considered because it had entered the agency's "distribution channel" prior to the time set for receipt of offers. As indicated, proposals must be received at the specified location by the designated time--entry into distribution channels is not sufficient. Presidio's offer, therefore, properly was rejected as late.

The protest is dismissed.



Ronald Berger
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General Counsel