



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Polymer Technologies, Inc.

File: B-230143

Date: February 12, 1988

DIGEST

A hand-carried proposal which is received at an improper location after the time set for receipt of proposals is properly considered a late proposal and will not be considered for award despite alleged improper Government conduct which was not the paramount cause of the lateness.

DECISION

Polymer Technologies Inc. protests the exclusion from consideration of its proposal in response to solicitation DAAA21-88-R-0012, issued by U.S. Army Armament, Munitions and Chemical Command, Picatinny Arsenal, New Jersey. Polymer contends that its late proposal should have been accepted. We dismiss the protest.

The request for proposals (RFP) provided that offers would be received at Building 10 of Picatinny Arsenal until 3:00 p.m., December 28, 1987. An affidavit provided by the protester states that an employee of Polymer left her office at 2:25 p.m. to hand-deliver the proposal. Shortly thereafter, another employee called the Picatinny procurement office to attempt to make arrangements to expedite the gate check-in procedures. The telephone call was made to the person who was listed as the point-of-contact for the solicitation, Ms. Schoner. Ms. Schoner informed the employee that the proposal must be delivered to Building 10 by the closing time given in the RFP, but that she would check and see what she could do to expedite getting clocked in. The protester relies on this conversation to support its assertion that the government agreed to accept its proposal at the Visitor Control Point, and not Building 10.

The affidavit of the delivery person states "I arrived at the Arsenal 3:00 p.m. I parked my car and entered Visitors Control." The affidavit then explains the delays which she encountered. The contracting officer has indicated that the

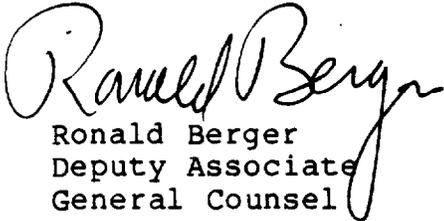
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Polymer representative was clocked in at 3:10 p.m. at Visitors Control and 3:25 at Building 10, the designated building for receipt of proposals. Consequently, the protester's proposal was considered a "late proposal" and was not considered for award.

Contrary to the protester's assertion, there is nothing in the record to suggest that proposals could be received by 3:00 p.m. at Visitors Control rather than at Building 10. The telephone conversation described above, in our opinion, could not reasonably be understood to be a modification of the terms of the RFP. Moreover, even assuming that Visitors Control was an acceptable place to submit a proposal, it appears the proposal would have been delivered there late since the protester's employee only first arrived at the Arsenal at 3:00 p.m. and would not have been able to place a proposal in the hands of the government representative by that time.

An offeror is responsible for delivering its proposal to the proper place at the proper time. Although a hand-carried proposal may be accepted where improper government action is the paramount cause for the late delivery, Imperial Maintenance, B-218614, July 26, 1985, 85-2 CPD ¶ 94, this exception is not available to Polymer in this case since, as discussed above, the paramount cause of the late delivery was the delivery person's late arrival, not improper government action.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel