



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Machine Research Company, Inc.

File: B-230188

Date: March 2, 1988

DIGEST

The Postal Services' late delivery of a bid does not constitute government mishandling after receipt at government installation so as to permit consideration of the bid, because the term "government" as used in the late bid clause means the contracting activity, not the Postal Service. Late bids that are not sent by registered or certified mail 5 days prior to bid opening can only be considered if there was government mishandling after receipt at the government installation.

DECISION

Machine Research Company, Inc. (MRC) protests the rejection of its bid as late under invitation for bids (IFB) No. 7FX1-88-4204-G6-S issued by the General Services Administration (GSA).

The protest is dismissed.

MRC contends that the late arrival of its bid was due to delay and mishandling by the United States Postal Service. The bid was sent by Express Mail and arrived 2 hours after bid opening.

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 (FAR) § 14.304-1. MRC argues that the delayed delivery was due to government mishandling because the Postal Service is an agency of the government.


The word "government" in the late bid clause refers to the procuring agency, not the Postal Service. Thus, the bid package must be delivered to the procuring agency installation before the mishandling contemplated by the clause can occur. Triumph United Corp., B-216546, Oct. 18, 1984, 84-2 CPD ¶ 419.

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MRC also states that GSA failed to send MRC the bid package promptly after MRC's request, and this shortened the time for bid preparation which contributed to the late delivery of the bid. MRC requests that GSA resolicit the requirement to allow MRC more time to submit a bid. This ground for protest is untimely.

Protests based on alleged improprieties in a solicitation must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1) (1987). If MRC believed the time remaining for the bid opening established in the IFB was inadequate for bid preparation, it should have requested an extension or filed a protest prior to the bid opening time.

The protest is dismissed.


for Ronald Berger
Deputy Associate
General Counsel