



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Orange Shipbuilding Co., Inc.

File: B-230285

Date: March 9, 1988

### DIGEST

A late hand-carried bid may not be accepted because the lateness was due to inclement weather beyond the control of the bidder. Only where improper government action was the paramount cause of the late delivery may such a bid be considered.

### DECISION

Orange Shipbuilding Co., Inc. protests the United States Army Corps of Engineers' refusal to accept its late bid under solicitation No. DACW66-88-B-0008. The bids were to be opened at 2:30 p.m., February 11, 1988, at the Federal Building in Memphis, Tennessee. Orange's bid was delivered at 2:55 p.m.

Orange attributes its failure to meet the deadline for the opening of bids to inclement weather which made travel slow and difficult. Orange urges that its bid be opened and considered because the weather conditions were beyond its control and "Acts of God."

Late hand-carried bids may only be considered for award where improper government action--defined as government action making it impossible for the offeror to deliver its bid on time--was the paramount cause for the late receipt. Alden Electronics, B-227940, Sept. 21, 1987, 87-2 CPD ¶ 287. The inclement weather conditions that Orange asserts is responsible for its late bid is not a condition that would permit acceptance of late hand-carried bid. Sigma Treatment Systems, B-207791, June 21, 1982, 82-1 CPD ¶ 613.

Accordingly, the protest is dismissed.

*Ronald Berger*  
Ronald Berger  
Deputy Associate  
General Counsel

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