



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: E.D.P. Enterprises, Inc.
File: B-227607.4
Date: October 31, 1988

DIGEST

Proposal delivered by Federal Express after the closing date for receipt of proposals properly was rejected where late delivery was caused by Federal Express and not the government.

DECISION

E.D.P. Enterprises, Inc. protests the determination by the Department of the Army, Fort Ord, California, that the proposal E.D.P. submitted in response to solicitation No. DAKF03-87-R-0514 was late and would not be considered.


The closing date for receipt of proposals at Fort Ord was September 23, 1988, at 4:00 p.m. According to E.D.P., it sent its proposal via Federal Express, with Federal Express guaranteeing delivery at Fort Ord by 12:00 p.m. on September 23. Later, however, Federal Express notified E.D.P. and Fort Ord that it could not deliver the proposal until 4:30 p.m. on September 23. Fort Ord also notified E.D.P. of the anticipated delay. The proposal was actually delivered on September 24.

A proposal delivered to an agency by Federal Express or other commercial carrier is considered to be hand-carried and, if it arrives late, can only be considered if it is shown that the sole or paramount reason for the late receipt was some government impropriety. Edward Ochman Systems, B-229762, Jan. 7, 1988, 88-1 CPD ¶ 14. There is nothing in the protester's submission to indicate that government impropriety was the sole or paramount cause for late

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delivery of E.D.P.'s proposal. Rather, E.D.P.'s agent, Federal Express, simply failed to timely deliver E.D.P.'s proposal. E.D.P.'s proposal, therefore, was properly rejected as late. Id.

Accordingly, the protest is dismissed.


Ronald Berger
Associate General Counsel