

144284



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Del's Electric Co., Inc.

**File:** B-243123

**Date:** July 1, 1991

Naun Delgado for the protester.  
Vicki O'Keefe, Esq., Department of the Navy, for the agency.  
Guy R. Pietrovico, Esq., and James A. Spangenberg, Esq.,  
Office of the General Counsel, GAO, participated in the  
preparation of the decision.

### DIGEST

A procuring agency could properly accept a late bid on a sealed bid procurement where the bid was sent to a contracting office in the United States by certified mail more than 5 calendar days prior to the specified bid receipt date and evidence of the date on which the bid was sent consists of a legible postmark of the U.S. Postal Service on the bid envelope and on the certified mail receipt.

### DECISION

Del's Electric Co., Inc. protests the award of a contract to Sturm Craft Co., Inc. under invitation for bids (IFB) No. N62467-91-B-9102, issued by the Department of the Navy for the replacement of existing softball field lighting at the Naval Air Station (NAS), Kingsville, Texas. Del's Electric contends that Sturm Craft's bid was not received by bid opening.

We deny the protest.

Six bids were opened at the January 22, 1991, bid opening in Building No. 4711 of NAS, Kingsville, Texas; Del's Electric's bid of \$84,570 appeared to be the low bid. On January 25, the Navy discovered six additional bids, including Sturm Craft's low bid of \$83,311, in the Public Works Office of Building No. 4711. Sturm Craft's bid had been sent to the contracting office by certified mail 6 calendar days prior to bid opening and was received on January 23. Award was made to Sturm Craft on February 20, 1991, and this protest followed.


Del's Electric protests that the agency could not properly accept Sturm Craft's late bid. We disagree. A late bid may

be considered where it was sent to a contracting office in the United States or Canada by registered or certified mail not later than 5 calendar days before the specified bid receipt date. See Federal Acquisition Regulation (FAR) § 14.3041(a)(1); Medasys, Inc., B-236740, Sept. 7, 1989, 89-2 CPD ¶ 223.

Here, the record shows that Sturm Craft's bid was sent to the address identified in the IFB by certified mail on January 16, which was 6 calendar days prior to the specified bid receipt date.<sup>1/</sup> Acceptable evidence of the date the bid was sent by certified mail consists of the U.S. Postal Service's legible postmark on the envelope and certified mail receipt. See FAR § 14.304-1(b). Accordingly, the Navy properly accepted Sturm Craft's late bid.

Del's Electric also questions why it took the agency 29 calendar days from the date of bid opening to determine that award should be made to Sturm Craft. Since we have found that the awardee's late bid could be accepted under FAR § 14.304-1(a)(1), the agency's delay in awarding a contract to Sturm Craft provides no basis to question the award.

The protest is denied.

  
for James F. Hinchman  
General Counsel

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<sup>1/</sup> The envelope containing Sturm Craft's bid identified the contents as a bid under the IFB, for the "repair/replace softball field lighting," with a bid opening date of January 22.