

S. Becku



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Ganado Group, Inc.

File: B-261772

Date: July 7, 1995

DECISION

Ganado Group, Inc. protests the rejection of its proposal as late by the Department of the Interior under request for proposals (RFP) No. N651-RFP5-3040, arguing that its proposal should be considered for award because the late arrival of its package was caused by additional security at federal buildings.

The solicitation specified a closing date of June 14, 1995, at 1:30 p.m. The protester states that it sent its proposal via Adcom Express for a guaranteed 1:00 p.m. delivery on June 14. Ganado states that due to the time involved because of additional federal security, its proposal was not delivered to the contracting officer until after the 1:30 p.m. closing time.

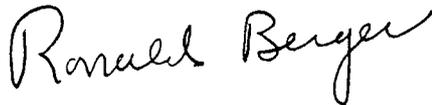
Offerors are responsible for delivering their proposals to the proper place at the proper time. International Steel Erectors, B-233238, Feb. 13, 1989, 89-1 CPD ¶ 146. A proposal delivered to an agency by a commercial carrier, such as, Adcom Express, is considered to be hand-carried and, if it arrives late, can only be considered for award if it is shown that some government impropriety was the sole or paramount cause of the late arrival at the designated place. The Chappy Corp., B-252757, July 20, 1993, 93-2 CPD ¶ 44. To establish that government impropriety was the sole or paramount cause of the late receipt of the proposal, the offeror must establish that it did not significantly contribute to the late delivery by not allowing enough time to permit a timely submission. Wyatt and Assocs., B-243349, July 1, 1991, 91-2 CPD ¶ 5.

The RFP included two addresses: one for "mailed" proposals, and the other for "hand carried" proposals. The agency states that Ganado's courier arrived at the address designated for "mailed" proposals at 1:15 p.m. and was then directed to the address for "hand carried" proposals, which is a different building at a different location. The agency reports that with tightened security measures at the location to which the courier went initially, it took the courier longer to exit the facility than it would have previously, so that it took the courier some 30 minutes to get from one location to the other whereas formerly it would have taken no more than 10 minutes.

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It is clear from this explanation that the paramount cause of the late delivery was not any improper government action, but the attempted delivery of the protester's proposal at the wrong location. Thus, while security procedures at that location may have been enhanced, they were not the primary cause of the late delivery since the courier should not have gone there in the first place. Under the circumstances, rejection of the proposal was proper.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Associate General Counsel