



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: SBBI, Inc.

File: B-405754

Date: November 23, 2011

Ted Walker, SBBI, Inc., the protester.

David Sett, Esq., Department of Transportation, Federal Highway Administration, for the agency.

Linda C. Glass, Esq., and Glenn G. Wolcott, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly accepted bids as timely, where the bids were received at the place designated in the solicitation at the applicable local time.

DECISION

SBBI, Inc., of Sonoita, Arizona, protests the award of a contract under invitation for bids (IFB) No. DTFH68-11-B-00015, issued by the Department of Transportation (DOT), Federal Highway Administration (FHWA), for a roadway construction project for the Coronado National Forest, Graham County, Arizona. SBBI contends that all bids delivered to the FHWA Arizona office after 12:00 p.m. Mountain Standard Time (MST) were untimely and should not be considered for award.

We deny the protest.

The IFB was posted on the Federal Business Opportunities (FedBizOpps) website on August 15, 2011 as a HUBZone small business set-aside. The original IFB instructed bidders that bids were due on September 15, 2011 by 1 p.m. MST at the FHWA Central Federal Lands Division office in Lakewood, Colorado. Agency Report (AR), Tab 2, IFB, at A-1. Amendment No. 2 was issued on September 7 and changed the place for submission of bids to the FHWA, Arizona Division Office in Phoenix, Arizona. AR, Tab 4, Amend. No. 2, at A-1. The amendment did not change the time for receipt of bids.

Five bids were received and accepted. The bids of the protester and another vendor were received before 12:00 p.m. in Arizona on September 15. AR, Tab 5, Bid

Receipts. The other three bids, including NAC Construction, the low bidder, were received after 12:00 p.m. but before 1:00 p.m. in Arizona. Id. SBBI submitted the second low bid. Id. The bid opening summary was posted by the agency from Lakewood, Colorado on September 19, which stated the bid opening location as Phoenix, Arizona and the time of bid opening as “2:00 p.m. (1:00 p.m. Arizona).” AR, Tab 11, Bid Opening Summary and Contracting Officer’s Statement at 3. The agency states that 2:00 p.m. in the bid opening summary refers to the time in Lakewood, Colorado. Id. On September 20, SBBI filed this protest with our Office.

The protester maintains that although the agency changed the location of the bid opening to Phoenix, Arizona, the agency did not change the time for submission of bids. The protester argues that bids were originally required to be submitted by 1:00 p.m. MST which is actually 12:00 p.m. Arizona time, and that bids received after 1:00 p.m. Colorado time should be rejected. Protest at 3.

The agency responds that both Colorado and Arizona are in the MST time zone, but that Arizona does not observe daylight saving time. Contracting Officer’s Statement at 3. The agency states that during the months of daylight saving time Arizona is one hour behind the rest of the MST zone. Id. It is the agency’s position that 1:00 pm MST on the IFB referred to the time in Arizona where the solicitation designated bids were to be received, and that all bids were received timely and opened at the proper time and that NAC was properly declared the apparent low bidder. Id.

We agree. We have previously held, that under the Uniform Time Act of 1996, 15 U.S.C. § 262 (2006), there is one standard time for most governmental purposes, including the time designated for receipt of proposals or opening bids, and that time is the local time, regardless of whether it is referred to as standard time or as daylight savings time in the solicitation. 49 Comp. Gen. 164 (1969) (standard time and daylight savings time are one and the same for purposes of designating a bid opening time); Environmental Control Division, Inc., B-255181, Feb. 16, 1994, 94-1 CPD ¶ 115 at 4.

Here, all bids were submitted to the FHWA Phoenix, Arizona office as required by the IFB and all were received prior to the 1:00 p.m. scheduled bid opening. Thus, all the bids were timely received at the 1:00 p.m. local time for Arizona, the designated place for receipt of bids.

The protest is denied.

Lynn H. Gibson
General Counsel