

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

61353

FILE: B-186390

DATE: August 17, 1976

98672

MATTER OF: Frequency Engineering Laboratories

DIGEST:

Where late bid sent certified mail 3 days before bid opening was received at Government installation by 9:30 a.m. on bid opening day, but was not delivered to bid opening room until after 10:30 a.m., time set for bid opening, because of heavy mail load and because only two of four mail sorters were on duty, bid was mishandled by Government after receipt at installation and may be considered for award.

Frequency Engineering Laboratories (FEL) protests a determination by a contracting officer of the Navy Ships Parts Control Center (SPCC), Mechanicsburg, Pennsylvania, that a bid submitted by Artisan Electronics Corporation (Artisan) in response to a solicitation to furnish ten umbilical adapters may be considered for award even though it was received in the bid opening room after the time set for bid opening.

By letter dated April 21 FEL filed a protest with this Office against that determination and the proposed award of the contract to Artisan, whose bid was one dollar per unit lower than FEL's. FEL contends that the bid may not be considered because it was not sent by registered or certified mail not later than the fifth calendar day prior to bid opening, citing Armed Services Procurement Regulation (ASPR) § 7-2002.2(a)(i) (1975 ed.).

Invitation for bids (IFB) number N00104-76-B-0614 was issued on March 11, 1976. Bid opening was scheduled for April 12 at 10:30 a.m., and only FEL's hand-carried bid was received by that time. Artisan's bid, which had been sent by certified mail from Parsippany, New Jersey, on April 9 was not delivered to the bid opening room until 10:33 a.m. The record discloses that, in accordance with established SPCC procedures, the SPCC mail truck

had arrived at the Mechanicsburg Post Office loading platform at 9:00 a.m. on April 12, was promptly loaded, and was back on the base unloading the mail, which included Artisan's bid, by 9:30 a.m. Sorting mail began while the truck was being unloaded. SPCC states that it is standard procedure that after the mail is sorted, all mail destined for the bid opening room is to be delivered before any other mail. Thus, mail received at the installation after being picked up from the Mechanicsburg Post Office at 9:00 a.m. and designated for a 10:30 a.m. bid opening that same day would apparently be delivered to the bid opening room before 10:30 a.m. That morning however, because of an unusually heavy mail load and since one of the four persons who normally sort mail while the truck is being unloaded was out sick and another was on annual leave, there was not sufficient time after sorting for delivery of Artisan's bid to the bid opening room before the time set in the IFB.

In view of those circumstances, the procuring official decided upon receipt of Artisan's bid that all bids received in the bid opening room after 10:30 a.m. and before 11:30 a.m., the time for the next mail pick-up, would be considered as having been received late solely because of Government mishandling at the installation. Accordingly, it was determined that Artisan's bid could be considered for award pursuant to ASPR § 7-2002.2(a) (ii), which provides in pertinent part as follows:

"(a) Any bid received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and either:

* * * * *

(ii) it was sent by mail * * * and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation."

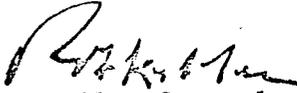
Where bids are received at one place by the Government for delivery to another place specified in the solicitation this Office will devote primary emphasis to the procedures adopted for such delivery in determining whether there has been Government mishandling at the installation. Where the means of transmittal are calculated to effect delivery within a reasonable time, this

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Office will further consider any special circumstances which might affect the delivery period. Stack-On Products Company; Ontarioville Metal Products, B-181862, October 22, 1974, 74-2 CPD 220. The determination of what constitutes a reasonable interval for processing at a Government installation is uniquely for the administrative agency involved. B-168210(1), July 10, 1970.

After considering the established SPCC pick-up, delivery, sorting, and transmittal procedures noted above, we are of the opinion that they are calculated to effect a reasonably expeditious delivery of bids to the bid opening room. However, since such procedures were not followed in the instant case as only two of the normal four mail sorters were on duty, we conclude that the failure of the bid to reach the bid room by 10:30 a.m. was due solely to mishandling by the Government after receipt.

Artisan's bid may, therefore, be considered for award pursuant to the regulation cited by the Navy, and the protest is denied.


Deputy Comptroller General
of the United States