

DECISION

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

FILE: B-222423

DATE: April 29, 1986

MATTER OF: Vikonics, Inc.

DIGEST:

Protest against the rejection of a hand-carried proposal submitted after the time offers were due is denied where the protester significantly contributed to the late submission of the proposal, so that improper government action was not the paramount cause of late receipt.

Vikonics, Inc. protests the rejection, as late, of the proposal it submitted in response to Department of the Navy request for technical proposals (RFTP) No. N62472-84-B-4770, issued for security access control systems.

We deny the protest.

The RFTP provided that first-step proposals must be received at building 77-L on the United States Naval Base in Philadelphia, Pennsylvania, by 4 p.m. on February 28, 1986. The protester's president arrived at the main guard post of the base at 3:35 p.m., and was instructed to return to the reception area to sign in. The president returned to the reception area and, after waiting in line, spoke with the receptionist. When the receptionist could not locate the name of the contracting specialist in her telephone directory, the president called his office for the number, called the contracting specialist, and then was issued a base pass. According to the time/date stamp on the pass, it was 3:50 p.m.

Vikonics' president then called the contracting office and requested that someone meet him and escort him to the place where proposals were to be submitted. When his request was refused, he asked the receptionist for directions. The receptionist responded that she was not certain but directed the president to where she thought building 77-L was located. Vikonics states that the directions proved incorrect, and the president had to stop into another building to obtain accurate directions. He arrived at the place for proposal submission at 4:07 p.m., and his proposal was rejected as late.

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The protester admits that its offer was late, but argues that the proposal should be considered because of the delay caused in getting a base pass and the receptionist's incorrect directions. The protester also complains that it had to delay submitting its proposal until the last minute because it was waiting for the Navy to respond to technical questions that the protester submitted in a letter on February 5.

A hand-carried late proposal may be considered where improper government action was the paramount cause for the late submission, and consideration of the proposal would not compromise the integrity of the competitive procurement process. Geiger Co., B-216502, Feb. 7, 1985, 85-1 C.P.D. ¶ 155. Improper government action in this context is defined as affirmative action that makes it impossible for the offeror to deliver its proposal on time. Landis Mfg. Systems, Inc., B-218652, Apr. 26, 1985, 85-1 C.P.D. ¶ 481. In determining whether that standard is met, we consider whether the offeror significantly contributed to the late delivery by not acting reasonably in fulfilling its own responsibility to submit its proposal in a timely manner. Monthei Mechanical, Inc.--Reconsideration, B-216624.2, Feb. 11, 1985, 85-1 C.P.D. ¶ 177. These standards are strictly applied in determining whether a late step-one proposal may be considered. 52 Comp. Gen. 726 (1973); Baron and Associates, B-213898, Jan. 17, 1984, 84-1 C.P.D. ¶ 80.

We cannot conclude that improper government action was the paramount reason that Vikonics was unable to submit its proposal on time. Vikonics' president did not arrive at the base guard station until 3:35 p.m., and we do not believe that the 15 minutes it took to receive a pass is an unreasonable time period for gaining entry onto a Navy installation. To the extent that the admission procedures at the Philadelphia Naval Base delayed Vikonics, it was, as indicated above, Vikonics' responsibility to insure that its proposal reached the proper location by the proper time in the first instance. We have recognized that delays in gaining access to a government installation are not unusual and should not be unexpected. See National Blower and Sheet Metal Co., Inc., B-194895, Oct. 3, 1979, 79-2 C.P.D. ¶ 240. Certainly, therefore, it would have been prudent for a firm like Vikonics, admittedly unfamiliar with the base, either to call ahead to ascertain how to get on base, or to leave sufficient time to allow for unknown situations it might encounter. If the protester had followed either of these alternatives, its proposal well may not have been late.

As to the erroneous directions that the Navy receptionist allegedly gave Vikonics' president, we previously have found that misdirection by government personnel may constitute improper government action in the late proposal context. Geiger Co., B-216502, supra. A misdirected late proposal may be considered, however, only if the offeror acted reasonably and did not significantly contribute to the lateness. Id. Here, because Vikonics arrived at the base only 25 minutes before offers were due, by the time Vikonics was admitted to the base there were only 10 minutes left to submit the proposal, and Vikonics president chose to rely on the receptionist's directions despite the fact that she stated she was uncertain where building 77-L was located. Given the short time left from admission to the closing time for proposal receipt, we believe it was up to Vikonics to make certain it obtained accurate directions. In the circumstances, we believe that Vikonics' contribution to its problem was not insignificant.

Finally, we previously have held that although a procuring agency's failure to supply an offeror with requested material sufficiently in advance of a due date for the offeror's purposes may be grounds for the offeror to request that the date be extended, it generally does not constitute improper government action warranting consideration of a late proposal. See White House Associates, B-218872, May 21, 1985, 85-1 C.P.D. ¶ 581; Landis Mfg. Systems, Inc., B-218652, supra. Consequently, the Navy's failure to respond to Vikonics' questions is not a basis on which Vikonics' late proposal may be accepted.

We cannot conclude, therefore, that improper actions by the Navy were the paramount cause of the late submission of Vikonics' proposal. The protest is denied.

for Seymour Efcio
Harry R. Van Cleve
General Counsel