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DECISION



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

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FILE: B-204605

DATE: October 20, 1981

MATTER OF: Pulau Electronics Corporation

DIGEST:

Bid, sent by certified mail on second calendar day prior to date specified in invitation for receipt of bids and received by contracting agency after bid opening, was properly rejected as late bid.

The Pulau Electronics Corporation (Pulau) protests the rejection of its bid by the United States Army Communications-Electronics Command under invitation for bids No. DAAB07-81-B-1618. Pulau states that its bid, sent by certified mail on July 28, 1981, was received by the contracting agency on July 31--the day after bid opening--and subsequently rejected as a late bid. Pulau argues that the late arrival of its bid should be waived since Pulau had informed the agency that it would submit a bid, its bid was mailed prior to bid opening and acceptance of the Pulau bid would result in a savings to the Government of between \$300,000 and \$600,000. We summarily deny the protest.

The invitation for bids contained, we are advised, the following "Late Bids, Modifications of Bids or Withdrawal of Bids" clause:

"(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:

"(i) it was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for the receipt of bids (e.g.,

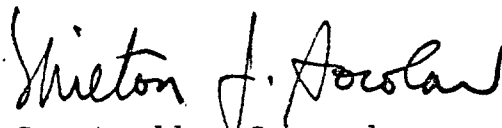
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a bid submitted in response to a solicitation requiring receipt of bids by the 20th of the month must have been mailed by the 15th or earlier); or,

"(ii) it was sent by mail (or telegram if authorized) 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."

Because the Pulau bid was mailed on the second calendar day prior to the bid opening date and because the bid is stated by Pulau to have been late when it was first received by the Army--thereby excluding the possibility of mishandling by the Government--we believe that the contracting agency was correct in rejecting the Pulau bid under the quoted clause. Further, although Pulau's bid was allegedly lower than the other bids received, the realization of monetary savings is outweighed by the importance of maintaining the integrity of the competitive bidding system. Scott-Griffin, Incorporated, B-193053, February 9, 1979, 79-1 CPD 93. A strict application of the late bid clause requirements is required if the integrity of that system is to be maintained. See Gross Engineering Company, B-193953, February 23, 1979, 79-1 CPD 129.

Protest denied.

for 
Comptroller General
of the United States