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DECISION



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

FILE: B-213325

DATE: October 24, 1983

MATTER OF: Bichler Company

DIGEST:

Bid sent by Postal Service express mail that arrives after bid opening is late and may not be accepted. Fact that Postal Service promised to deliver bid earlier than it actually did does not constitute government mishandling at government installation so as to permit consideration of bid.

Bichler Company protests the rejection of its bid as late and the award of a contract to Kennet Corporation under invitation for bids No. N00604-83-B-A106 issued by the Department of the Navy for tank and bilge cleaning units.

Bichler contends that the late arrival of its bid was due to the failure of the Postal Service to deliver its bid as promised. The bid was sent by Postal Service express mail with a guarantee of overnight delivery.

Late mailed bids sent by other than registered or certified mail may be accepted only if the late arrival was caused by government mishandling after arrival at the government installation. Defense Acquisition Regulation § 7.2002.2 (1976 ed.); Standard Mfg. Inc., B-209575, March 7, 1983, 83-1 CPD 216. Bichler states that the delayed delivery by the Postal Service constitutes the government mishandling in this case.

Bichler's position is without merit. The word "government" in the late bid clause cited above refers to the procuring agency, not the Postal Service. Geronimo Service Company, B-199864, October 28, 1980, 80-2 CPD 325. Therefore, before the mishandling contemplated by the provision can occur, the bid package must be delivered to the procuring agency installation. There is no allegation that mishandling occurred after such delivery. Therefore, rejection of the bid as late was proper.

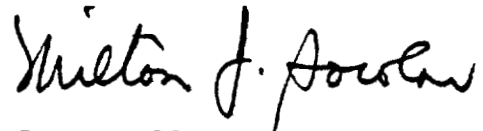
Bichler also contends that the Navy failed to allow adequate time for submission of bids for this procurement. That

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contention relates to an alleged impropriety in the solicitation that was apparent prior to bid opening. Our procedures require that such a protest contention must be filed either with the contracting agency or our Office before that time. 4 C.F.R. § 21.2(b)(1) (1983). Since it was not, the issue is untimely raised and will not be considered.

The protest is denied.

for 
Comptroller General
of the United States