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**DECISION**



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

10,978

**FILE:** B-195287

**DATE:** August 8, 1979

**MATTER OF:** A&W Products Company, Inc.--Request for Reconsideration *DLG 02053*

**DIGEST:**

*[Protest of Bid Rejection for Lateness]*

Even though late bid was mailed by certified mail, it was not sent by the fifth calendar day prior to date specified for receipt of bids and was therefore properly rejected.

A&W Products Company, Inc. (A&W), requests reconsideration of our decision in A&W Products Company, Inc., B-195287, July 9, 1979, wherein we summarily denied its protest against the rejection of its bid as late by the General Services Administration under invitation for bids (IFB) No. FCGO-E1-50153-A.

A&W's bid was rejected because it had been received by GSA more than 4 hours after bid opening on May 30, 1979, even though the United States Postal Service (Postal Service) guaranteed it would be delivered prior to bid opening. A&W stated in its initial protest letter that its bid had been sent by the Postal Service via special delivery to the office designated in the IFB on May 26.

We held that pursuant to the "Late Bids, Modifications of Bids, or Withdrawal of Bids" clause incorporated into the solicitation, in order for a late bid to be considered for award it had to be sent by "registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of bids" or it must be determined that the late receipt was due solely to mishandling by the Government after receipt at the installation issuing the procurement. Since A&W had stated that its bid had been sent by special delivery and the Postal Service's failure

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to deliver the bid did not constitute Government mishandling at a Government installation, we found that the bid had been properly rejected.

A&W now contends that its bid had been sent via certified mail on May 26 as well as first class and special delivery. A&W also requests our Office to advise it what Government agency is responsible for and should be contacted with regard to the layoffs of its employees due to the Postal Service's alleged negligence.

Even though A&W's bid had been sent by certified mail, it was sent only 4 days prior to the date specified for receipt of bids. In order for the bid to have been considered, it should have been mailed by May 25 or earlier, as provided in the clause referenced above.

Therefore, our prior decision is affirmed.

Regarding A&W's request concerning the Postal Service's alleged negligence in delivering its bid, this is solely a matter between A&W and the Postal Service.

*PAZ Keller.*  
Acting Comptroller General  
of the United States