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

JUL 21 1981

B-202525.2

The Honorable Robert McClory
House of Representatives

Dear Mr. McClory:

In your June 10, 1981, letter to our Office you request our review of a letter dated June 5 from St. Charles Manufacturing Co. concerning our decision in St. Charles Manufacturing Co., B-202525, April 22, 1981, 81-I CPD 312. In that decision we held that St. Charles' late proposal could not be considered for award of a General Services Administration contract since the late proposal clause of the solicitation did not permit consideration of late proposals delivered by commercial carrier.

St. Charles states in its letter to you requesting a review of our decision that it is unfair because circumstances beyond the control of St. Charles caused the late delivery and because our decision denies the Government the opportunity to obtain quality products and services at competitive prices.

You state that the St. Charles proposal was not timely delivered because the deadline for the submission of proposals was on a Federal holiday (February 16), and the commercial carrier could not, consequently, make delivery to the contracting agency. However, the deadline was at 10:30 a.m., on February 17. And the St. Charles proposal was delivered to the contracting agency on February 17--after the 10:30 a.m. deadline.

These factors were considered in reaching our decision of April 22, 1981, and rejected because the terms of the solicitation and applicable regulations under which all offerors competed did not allow consideration of late proposals under the circumstances

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presented. To find otherwise would undermine the integrity of the competitive procurement system contrary to basic tenets of Government procurement.

In any event, it is provided in our Bid Protest Procedures at 4 C.F.R. § 21.9(b) (1981) that a request for the reconsideration of a decision by our Office "shall be filed not later than 10 [working] days after the basis for reconsideration is known or should have been known, whichever is earlier." Since St. Charles did not submit its request for reconsideration to our Office within the required 10 working days, it would not be for consideration under our Procedures.

The time limits on the submission of protests and requests for reconsideration of our decisions were adopted because our Office can best function if it is permitted to decide an issue while it is still practicable to take effective action with respect to the procurement where the circumstances warrant. Accordingly, the time limit requirements are strictly enforced.

Sincerely yours,

Acting Comptroller General
of the United States