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DECISION



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

FILE: B-203002.2

DATE: 7/1/81

MATTER OF: Aetna Supply, Inc. -- Reconsideration

DIGEST:

Prior decision upholding agency decision to reject bid as late is affirmed where request for reconsideration fails to advance factual or legal grounds upon which reversal would be warranted.

Aetna Supply, Inc. requests that we reconsider our decision, Aetna Supply, Inc., B-203002, June 8, 1981, 81-1 CPD 462, in which we summarily denied the firm's protest of the rejection of its bid as late by the Environmental Protection Agency. In our decision, we held that since Aetna's bid was time/date stamped in the procurement office after the time specified, receipt of its bid in the mailroom at the exact time set for bid opening did not constitute timely delivery to the Government.

Aetna again asserts that receipt of its properly addressed bid in the mailroom at the 2:00 p.m. time set for bid opening was timely. Paragraph (a)(2) of the "Late Bid" clause in the solicitation provides that the timeliness of receipt is determined by when the bid is received at the "office designated in the solicitation." Aetna argues that this clause does not require timely receipt in the procurement office.

We have held, however, that the "office designated in the solicitation" refers to the ultimate destination of the bid and not to any intermediate stop in transit. Whether a bid is late is measured by its time of arrival at the office designated, not at the agency mailroom. LectroMagnetics, Inc., 56 Comp. Gen. 50 (1976), 76-2 CPD 371.

[Request for Reconsideration]

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It is undisputed that the bid was addressed to the "Contracts Management Division" and that its ultimate destination was the appropriate office of that Division. Since the bid arrived at that office after the time specified in the solicitation, the bid was late and was properly so considered. We also note that no evidence of Government mishandling after receipt of the bid in the mailroom has been presented.

Aetna also objects to our not obtaining a report on the merits before denying the protest. However, where it is clear from a protester's initial submission that the protest has no legal merit and that it would serve no useful purpose to delay our disposition of the matter for receipt of a report from the contracting agency, it has consistently been our position to summarily decide the matter. See International Logistics Group, Ltd.-Reconsideration, B-202819.2, June 30, 1981, 81-1 CPD 544.

Accordingly, our prior decision is affirmed.



Acting Comptroller General
of the United States