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DECISION



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

50857

FILE: B-183609

DATE: July 1, 1975

MATTER OF: LeChase Construction Corporation

DIGEST:

Where place for delivery of hand-carried bids was changed to location other than that stated in IFB, bid delivered to agency officials 1 minute after time specified in IFB for delivery of bids but prior to actual opening of bids may be considered for award since incorrect room identification could have led to late submission and consideration of bid would not compromise integrity of competitive bidding system.

LeChase Construction Corporation protests the refusal of the Department of the Army - New York District, Corps of Engineers to accept its late bid submitted in response to invitation for bids (IFB) No. DACA51-75-B-0036. It contends that the determination that its bid was late was improper in view of the circumstances surrounding the submission of its hand-carried bid.

The bidding documents contained errors in the designation of the room where bids were to be submitted and the room where the bid opening would take place. The red bordered page entitled "Notice to Bidders," which is the first page in the invitation document, designates the bid opening room as "Room Number 1937, 19th floor at 26 Federal Plaza." On Standard Form 20, "Invitation for Bids," page 1B-1 of the invitation document, the following instructions appear:

"Sealed bids in Duplicate * * * will be received until 3:00 P.M. * * * on 20 February 1975 * * * Bids delivered by hand shall be delivered to the Contract Preparation Section, Supply Division, Room 1913. Bids delivered by hand during the fifteen minute period immediately preceding the above item shall be delivered to the Bid Opening Room 1973."

The bid opening date was changed by Amendment No. 2 from 3 p.m., February 20, 1975 to 2 p.m., March 6, 1975. The bid opening was held in room 1932, however, and not in room 1937 as indicated in the red bordered page or in 1973 as indicated on page 1B-1. Room 1937 had previously been used as a bid opening room, but because of changes

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in office location which were made sometime prior to March 6, 1975, it was not available as a bid opening room on that date. It is reported that the reference to room "1973" as the bid opening room, as shown on Standard Form 20 of the invitation document, was the result of a typographical error and was intended as a reference to room 1937.

The Corps did not inform prospective bidders by amendment that the bid opening room had been changed to room 1932. However, several signs were placed on the corridor walls on the 19th floor announcing that the bid opening room was 1932. One of these signs was placed on the wall where all 19th floor elevators were located.

In this connection, the LeChase representative states:

"Upon arriving on the 19th floor of 26 Federal Plaza I started looking for room 1913. I proceeded to this room to clarify exactly in which room the bid opening was being held, as the specifications contained two locations for opening: Rooms 1937 and 1973.

"Upon arriving at Room 1913, I found the door locked. I did not see any signs in the corridors or on the door to Room 1913. A gentleman seated in the open office across the hall directed me to Room 1937 which was down the hall. When I located Room 1937, I found that its door was also locked and again there was no sign.

"I then started back down the hall to find someone who could direct me to the correct room. Part way down the hall a gentleman stepped out of Room 1932 and asked if I was a bidder. He indicated that the bid opening room was now 1932 and directed me into the room and told me to hand my bid to the gentleman seated at the head of the table."

At approximately 2:01 p.m., the LeChase representative brought in the LeChase bid which was received and accepted by the bid opening officer. This was before commencement of bid opening and

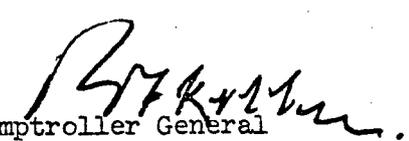
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before any announcement concerning the bid opening had been made. At this point the bid opening officer requested one of the Government employees in the room to go to the elevator on the 19th floor to see if any persons were on the way to the bid opening room with bids. Upon his return, at approximately 2:02 p.m. the bid opening officer announced that the opening of bids would begin. By letter of March 26, 1975, the contracting officer rejected LeChase's bid as late since it was received after the time fixed for bid opening in the IFB.

WFS A.C.

This Office has consistently held that it is the responsibility of the bidder to see that its hand-carried bid reaches the designated office before the time fixed for the opening of bids. In the present situation, however, there was an inconsistency in the solicitation as to the place for bid opening and a change made in room location without amending the solicitation. Under the circumstances we believe that the incorrect room identification could have led to the late submission. Since the LeChase bid was in fact received by the officials in charge of the bid opening in room 1932 at 2:01 p.m. which was prior to the time any of the bids was opened we believe that the LeChase bid may be considered for award without compromising the integrity of the competitive bidding system. See, 34 Comp. Gen. 150 (1954); B-169845, June 23, 1970.

Accordingly, the protest is sustained.


Deputy Comptroller General
of the United States