

104TH CONGRESS
1ST SESSION

H. R. 331

To require the Federal Government to consider as having arrived on time any sealed bid submitted in response to a solicitation for a procurement of goods or services if the bid was sent by an overnight message delivery service at least two working days before the date specified for receipt of bids.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on Government Reform and Oversight and, in addition, to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Federal Government to consider as having arrived on time any sealed bid submitted in response to a solicitation for a procurement of goods or services if the bid was sent by an overnight message delivery service at least two working days before the date specified for receipt of bids.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REQUIREMENT TO CONSIDER SEALED BIDS**
2 **SENT BY OVERNIGHT MESSAGE DELIVERY**
3 **SERVICE IF SENT TWO DAYS BEFORE DEAD-**
4 **LINE.**

5 (a) CIVILIAN AGENCIES.—Section 303A of the Fed-
6 eral Property and Administrative Services Act (41 U.S.C.
7 253a) (as amended by the Federal Acquisition Streamlin-
8 ing Act of 1994 (Public Law 103–355)) is amended by
9 adding at the end the following new subsection:

10 “(f) An executive agency, in considering sealed bids
11 submitted in response to a solicitation, shall consider as
12 having arrived by the date specified in the solicitation for
13 receipt of bids any bid that was sent at least two working
14 days before such date by the next-day delivery service of
15 the U.S. Postal Service or by an overnight message deliv-
16 ery service of any other entity.”.

17 (b) ARMED SERVICES.—Section 2305(a) of title 10,
18 United States Code (as amended by the Federal Acquisi-
19 tion Streamlining Act of 1994 (Public Law 103–355)) is
20 amended by adding at the end the following new para-
21 graph:

22 “(6) The head of an agency, in considering sealed
23 bids submitted in response to a solicitation, shall consider
24 as having arrived by the date specified in the solicitation
25 for receipt of bids any bid that was sent at least two work-
26 ing days before such date by the next-day delivery service

1 of the U.S. Postal Service or by an overnight message de-
2 livery service of any other entity.”.

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