

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-180169

DATE: August 7, 1975

MATTER OF: Bromley Contracting Co. Inc.

DIGEST:

Since ASPR § 1-201.3 provides that the term "contracting officer" may include authorized representatives of a contracting officer, previous decisions were not in error even though disputed actions were taken by contract administrator and not contracting officer himself where latter party had authorized former party to act for him in mistake in bids matters.

This request for reconsideration of our decisions in the Matter of Bromley Contracting Co. Inc. (Bromley), B-180169, August 12, 1974, and December 13, 1974, is premised on the allegation that our decisions were rendered on the basis of erroneous factual information.

Bromley alleges that our previous decisions were rendered under the mistaken belief that Mr. Frank O'Donnell was a contracting officer when in fact he was a contract administrator without authority to take action on Bromley's mistake in bid claim.

Bromley's contention that Mr. O'Donnell was acting without authority in this case is erroneous. The term "Contracting Officer" in Armed Services Procurement Regulation (ASPR) 1-201.3 (1974 ed.) includes "* * * the authorized representative of the contracting officer acting within the limits of his authority."

In a sworn affidavit dated June 26, 1975, the contracting officer, Lieutenant Colonel Bockman, stated that Mr. O'Donnell was specifically authorized by him to process mistake in bid claims and to inform the contractor of ASPR requirements. Lieutenant Colonel Bockman stated that he was aware of Bromley's notification of bid error and knew Mr. O'Donnell was processing the claim. Therefore, Mr. O'Donnell was an authorized representative of the contracting officer for purposes of disposing of Bromley's mistake in bid claim. In addition, it appears that the contracting officer was fully apprised of the developments in the case and saw no need to take further action. Accordingly, we must deny the request for reconsideration on this basis.

While Bromley presents several other arguments why our referenced decisions should be reversed, it has submitted no new evidence which would indicate a mistake of law or fact in our previous decisions. They are accordingly affirmed.


Deputy Comptroller General
of the United States