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Henry Rufford

Proc. II

**DECISION**



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

**FILE: B-187635**

**DATE: January 21, 1977**

**MATTER OF: Gibraltar Industries, Inc.**

**DIGEST:**

GAO has no authority to review request for correction of alleged mistake in bid on solicitation issued pursuant to section 22(a) of Foreign Military Sales Act. Accordingly, matter is dismissed.

This matter concerns a pre-award protest filed by Gibraltar Industries, Inc. (Gibraltar), the low bidder on Invitation for Bids (IFB) DSA100-76-B-1314, issued by the Defense Supply Agency (DSA), Defense Personnel Support Center, Philadelphia, Pennsylvania. Gibraltar has requested correction of an alleged mistake in its bid.

By letter dated December 30, 1976, DSA informed this Office that the solicitation represents part of a sale of defense articles to a foreign country under the authority of the Foreign Military Sales Act, 22 U.S.C. 2751 et seq., 22 U.S.C. 2762(a) (Supp. 1973). Because such transactions do not involve the expenditure of appropriated funds, they are not subject to our settlement authority. This Office, therefore, cannot render an authoritative decision involving the legality of the amount to be charged the Government in this case. Tele-Dynamics Division of AMBAC Industries, 55 Comp. Gen. 674 (1976), 76-1 CPD 60; 29 Comp. Gen. 393, 394 (1950).

Inasmuch as no useful purpose would be served by our consideration of the matter, the matter is dismissed.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel