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DECISION



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

FILE: B-196749

DATE: June 13, 1980

MATTER OF: Thurman Contracting Corp.

DL604807

DIGEST:

GAO is not the appellate forum for review of final contracting officer's decision denying claim for mistake in bid.

Thurman Contracting Corp. (Thurman) has requested that its contract (No. F02604-79-C0034) with the Department of the Air Force (Air Force) be reformed or rescinded due to a mistake in bid discovered after award.

The contract was awarded on April 3, 1979. Essentially, the Air Force argues that the contract required Thurman to furnish and install complete lock sets, while Thurman's position is that only cores and keys were required. A notice to proceed was issued on May 7, 1979, and the contract was to be completed by October 7, 1979. Thurman, on July 31, 1979, when the requirements issue first surfaced, asked for a determination by the contracting officer. On August 23, 1979, Thurman was advised to continue working and that the contract required complete lock sets.

Thurman, by letter dated September 28, 1979, filed a mistake in bid after award claim with the contracting officer. This was denied on November 13, 1979. Subsequently, the Air Force by letter dated January 2, 1980, advised Thurman that it had made the determination to default Thurman. The letter contained mention of Thurman's earlier mistake in bid claim and denial, obviously a factor in the Air Force's default determination. The contracting officer advised that its January 2 decision was final and that Thurman had 90 days to appeal to the

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[Protest INVOLVING Bid Error]

Armed Services Board of Contract Appeals (Board) or 12 months to appeal to the United States Court of Claims. Thurman did not exercise its rights of appeal to the Board.

In the instant situation, Thurman chose its forum, the contracting agency, and was advised of its right to appeal the decision to the Board or Court of Claims. If our Office would review Thurman's claim, we would give Thurman a forum it would otherwise not have. Concomitantly, we would be usurping some of the Board's jurisdiction. Accordingly, we will not review Thurman's claim.

for *Harry R. Jan Cline*
Milton J. Socolar
General Counsel