

18213 ROBERTS

DECISION



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

FILE: B-202976

DATE: May 26, 1981

MATTER OF: Sphere Management, Inc.

DIGEST:

GAO will not consider contractor's request for rescission of its contract due to mistake in bid since request constitutes claim "relating to" contract which, in accordance with Contract Disputes Act of 1978, must be filed with contracting officer.

Sphere Management, Inc., requests that its guard services contract No. N62467-81-C-4016 with the Department of the Navy be rescinded due to an alleged mistake in bid first raised after contract award. (The Navy reports that it already has terminated the contract for default.) For the reasons stated below, we decline to consider Sphere's request.

Our Office generally does not consider matters which are for resolution by a contracting officer under the disputes clause of a Government contract. See, e.g., Consolidated Maintenance Company, B-197009, December 19, 1979, 79-2 CPD 426; R.B.S., Inc., B-196285, October 17, 1979, 79-2 CPD 266. The Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (Supp. III 1979), requires that all claims "relating to" a contract be filed with the contracting officer for a decision. 41 U.S.C. § 605(a). In addition, a contractor may appeal an adverse contracting officer decision to either the contracting agency's board of contract appeals or to the United States Court of Claims. 41 U.S.C. §§ 606, 609. The disputes clause in Sphere's contract reflects those provisions.

Inasmuch as Sphere's request constitutes a claim "relating to" its contract, and the disputes clause of Sphere's contract calls for such a claim to be filed with the contracting officer, our Office will not consider the firm's request.

Harry R. Van Cleve
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Acting General Counsel

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