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DECISION



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

FILE: B-216736

DATE: March 8, 1985

MATTER OF: Alliance Properties Inc.

DIGEST:

GAO generally does not consider mistake in bid claims alleged after award, since they are claims "relating to" contract within the meaning of the Contract Disputes Act of 1978, which requires that all such claims be filed with the contracting officer for decision.

Alliance Properties Inc. (API) requests that our Office review the Air Force's decision to deny API's request to modify its bid under invitation for bids No. F41800-84-B-9339 after bid opening but before award due to a mistake.

On September 25, 1984, API accepted award of the contract while attempting to reserve its rights to pursue any remedies permitted by law. However, the Air Force letter denying the requested correction advised API that it could either withdraw its bid or waive its claim of error and accept award of the contract. The Air Force did not agree to a reservation of rights or that our Office should consider the claim. API's claim was received in this Office on October 9, 1984.

Our Office generally does not consider mistake in bid claims alleged after award. The reason is that such matters are claims "relating to" contracts within the meaning of the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (1982), which requires that all such claims be filed with the contracting officer for decision. Rainey's Security Agency, Inc., B-214653, July 2, 1984, 84-2 C.P.D. ¶ 6.

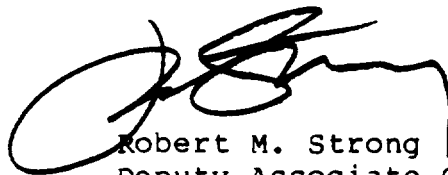
Since API's claim was not brought to our attention until after the award, we find that it should be filed and processed in accordance with the Contract Disputes Act. Although API argues that a reservation of claim has been recognized by our Office as a permissible method of

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B-216736

guaranteeing our review of the question, the cases API relies on were decided before the Contract Disputes Act was effective. We will only review such matters now when both parties agree to our review, which the Air Force has not done here.

The matter is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', with a large, stylized loop at the beginning.

Robert M. Strong
Deputy Associate General Counsel