

Lieberman
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DECISION



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

FILE: B-211571

DATE:

May 16, 1983

MATTER OF: Oxwell, Inc.

DIGEST:

GAO will not consider a claim concerning a contract administration matter which was previously raised before the Armed Services Board of Contract Appeals.

Oxwell, Inc.; requests that our Office review the decision of the Armed Services Board of Contract Appeals to dismiss because of laches Oxwell's claim for reimbursement for the cost of certain materials used in the performance of contract No. F34601-71-D-0393.

We decline to consider the matter.

Since S & E Contractors Inc. v. United States, 406 U.S. 1 (1972), our Office no longer reviews contract administration matter decisions which have been rendered under the contract "Disputes" clause. We have interpreted that case to mean that, absent fraud or bad faith, a final agency settlement or decision rendered under the "Disputes" clause is not subject to further administrative review. Optimum Systems, Inc., B-194984, B-195424, December 7, 1979, 79-2 CPD 396; E.P. Reid, Inc., B-183172, March 7, 1975, 75-1 CPD 141.

F. H. Barclay Jr.

for Harry R. Van Cleve
Acting General Counsel

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