

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

FILE: B-114858

DATE: July 13, 1976 <sup>61127</sup>

MATTER OF: Bonneville Power Administration

97937

**DIGEST:**

Reviews of bid protests and mistakes in bids arising under procurements and contracts of Bonneville Power Administration are discontinued since BPA is authorized to finally settle its contract claims and GAO could not take exception to payments under BPA contracts or under contracts reformed by BPA.

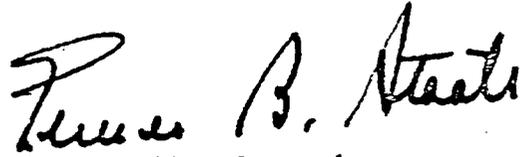
The Department of the Interior has questioned whether this Office will continue to resolve procurement and contractual actions involving the Bonneville Power Administration (BPA). The recent change in BPA's fiscal operations and other special authorities in the Bonneville Project Act, 16 U.S.C. 832a-3 (1970), form the basis for this request.

For the reasons stated below, we have decided to discontinue our reviews of bid protests and mistakes in bids involving BPA procurements and contracts.

The contracting powers of the Administrator of BPA are extensive and are not subject to procurement statutes normally applicable to Federal agencies. Pursuant to 16 U.S.C. 832a(f), the Administrator is authorized to enter into such contracts, to make final settlement of any claim arising thereunder, and to make such expenditures, upon such terms and conditions and in such manner as he may deem necessary, subject only to the provisions of Chapter 12B of Title 16, U.S.C., sections 832 et seq. In this connection 16 U.S.C. 832g authorizes the Administrator, notwithstanding any other provision of law, to make purchases and contracts for supplies and services. We have recognized that this provision was not intended to be limited by any other advertising statute and that the opportunity for competition could be limited by whatever the Administrator seeks to accomplish. 46 Comp. Gen. 349 (1966).

Our jurisdiction in bid protest and mistake in bid matters is based on our authority to take exception to items in the accounts of certifying and disbursing officers, that is, to refuse to certify

balances. Since BPA has authority to settle its own claims with finality, this Office could not take exception, pursuant to 31 U.S.C. 74 (1970), to payments under BPA contracts or under contracts reformed by BPA. We, therefore, could not take any effective remedial action with respect to BPA's procurement and contractual actions. Accordingly, no useful purpose would be served by our consideration of such matters. Abbott Power Corporation, B-183685, B-183689, May 6, 1975, 75-1 CPD 282.



Comptroller General  
of the United States