

DECISION



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

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FILE: B-213383

DATE: November 7, 1983

MATTER OF: J & M Lumber, Inc. -- Claim for
Interest on a Late Payment

DIGEST:

Claim for interest on a late payment is dismissed because it is a claim relating to a contract and must be processed under the procedures of the Contract Disputes Act of 1978, 41 U.S.C. § 601 et seq. (Supp. IV 1980).

J & M Lumber, Inc. claims interest on a late payment made under contract No. DLA720-83-C-0160 administered by the Defense Logistics Agency (DLA). The matter is not for consideration by this Office and is accordingly dismissed.

The claimant alleges that the products under this contract were accepted by the government and properly invoiced in March 1983, but because of administrative error by the agency, the requisite Material Inspection and Receiving Report (DD 250) was not received by the appropriate payment branch (Defense Contract Administration Services Region, Los Angeles) until June 1983, at which time payment was made.

Section 4(a)(1) of the Prompt Payment Act, 31 U.S.C.A. §§ 3901-3906 (West 1983), provides for the payment of interest where a government agency does not pay the contractor by the required payment date.

However, all claims against the government relating to a contract must be processed under the Contract Disputes Act of 1978, 41 U.S.C. § 601 et seq. (Supp. IV 1980). Wall Irrigation Service, 61 Comp. Gen. 114 (1981), 82-1 CPD 100. Under the Act, if the government refuses to pay a claim for interest that a contractor believes is due because of a late payment, the contractor must request a final decision from

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the contracting officer. A contractor can appeal an adverse contracting officer's decision to the agency's board of contract appeals or the Claims Court, but not to this Office. 41 U.S.C. §§ 606, 609.

The claim is dismissed.

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