



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: January 22, 2024

CBCA 7976

ALEXANDER TYLER CORP.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Mark E. Block of Block, Janney & Sisley, LLC, Norwich, CT, counsel for Appellant.

Brett A. Pisciotta, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **KULLBERG**, **CHADWICK**, and **KANG**.

CHADWICK, Board Judge.

The parties move jointly to dismiss this appeal for lack of jurisdiction. We grant the motion. *See* Board Rule 12(b)(3) (48 CFR 6101.12(b)(3) (2022)).

Appellant, Alexander Tyler Corp., leases space to respondent, General Services Administration (GSA). On December 14, 2023, appellant submitted an agency-level protest of the non-selection of appellant's response to a request for lease proposal, as well as a certified claim for (1) "a new lease" of space that appellant currently leases to GSA "or . . . compensation . . . equal to the lost rent . . . until . . . [appellant] enters into a lease with a replacement tenant," and (2) "holdover rent from January 1, 2023 . . . equal to 200% of the monthly rent as of January 16, 2023, until the space is vacated."

The GSA contracting officer dismissed the protest the next day and added that “GSA will issue a response to [the certified claim] in accordance with [48 CFR] 33.211 and within the required timelines.” On December 27, 2023, in response to further correspondence from appellant, the contracting officer reiterated that the protest had been dismissed and that GSA intended to respond to the claim.

On January 3, 2024, appellant filed this appeal, citing the correspondence from the contracting officer of December 15 and 27.

The parties correctly state that the Board lacks jurisdiction because the decision appealed from resolved “a bid protest, not a claim under the Contract Disputes Act, 41 U.S.C. §§ 7101–7109 [(2018)], and therefore [the matter] has been filed in the wrong forum.” *See, e.g., Innovative (PBX) Telephone Services, Inc. v. Department of Veterans Affairs*, CBCA 12, et al., 07-2 BCA ¶ 33,685, at 166,765 (“We do not have jurisdiction over bid protests because bid protests, by definition, involve disputes between the Government and disappointed bidders,” not contractors.).

The certified claim cannot support jurisdiction because it has not been the subject of a contracting officer’s decision or a deemed denial. *See* 41 U.S.C. § 7103(d), (f)(2), (f)(5).

Decision

The appeal is **DISMISSED FOR LACK OF JURISDICTION**.

Kyle Chadwick
KYLE CHADWICK
Board Judge

We concur:

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge

Jonathan L. Kang
JONATHAN L. KANG
Board Judge