

DECISION



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

51040

FILE: B-183475

DATE: September 24, 1975

MATTER OF: Associated Builders & Contractors, Inc.,
New England Yankee Chapter

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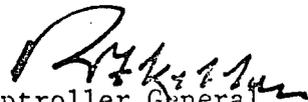
DIGEST:

Decision of April 8, 1975, that held GAO is precluded from reviewing allegedly erroneous wage determination is affirmed since Supreme Court in United States v. Binghamton Construction Co., 347 U.S. 171 (1954), held that correctness of prevailing wage determination made by Department of Labor is not subject to judicial review and protester failed to submit evidence or persuasive legal authority to demonstrate that decision of April 8 was based on either mistake of fact or law.

In a decision dated April 8, 1975, we held that a wage determination, issued by the United States Department of Labor in connection with a General Services Administration project, was not subject to our review in view of the holding by the Supreme Court, in United States v. Binghamton Construction Co., 347 U.S. 171 (1954), that the correctness of a prevailing wage determination made by the Secretary of Labor is not subject to judicial review.

By mailgram dated May 27, 1975, counsel for Associated Builders & Contractors, Inc. (ABC), New England Yankee Chapter, requested that we reconsider our decision of April 8. ABC also requested an opportunity to meet with representatives of this Office to discuss the reconsideration. A meeting between representatives of this Office and ABC was held on June 16, 1975. However, ABC has not submitted any evidence or persuasive legal authority which would demonstrate that our April 8 decision was based on either mistake of fact or law.

Accordingly, our decision of April 8, 1975, is affirmed.


Deputy Comptroller General
of the United States