

DECISION



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

CE1328

FILE: B-185557

DATE: August 11, 1976 98697

MATTER OF: Olson Plumbing & Heating Company

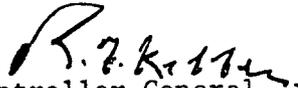
DIGEST:

Request for remission of liquidated damages assessed by Air Force is denied since Air Force's decision not to recommend rescission precludes GAO under 10 U.S.C. 2312 from remitting all or part of such damages.

By letter dated December 16, 1975, Olson Plumbing & Heating Company (Olson) requested relief from an assessment of liquidated damages, in the amount of \$53,970, by the Air Force under contract No. F05611-71-C-0225.

We have been advised that the Air Force has decided not to recommend remission of liquidated damages under the subject contract. Under 10 U.S.C. 2312 our Office is authorized to remit liquidated damages in whole or in part upon the recommendation of the head of the contracting agency. In regard to the instant request for relief, it has consistently been our position that the cited statute clearly contemplates that a favorable recommendation by the head of the agency concerned is a prerequisite to any remission action by our Office. See Lasko Metal Products, Incorporated, B-180174, July 24, 1974; B-175180, May 11, 1972.

Consequently, we are unable to grant Olson remission of all or any part of the liquidated damages assessed.


Deputy Comptroller General
of the United States