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DECISION



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

FILE: B-190775

DATE: January 17, 1978

MATTER OF: Associated General Contractors of
America, Inc., Arkansas Chapter

DIGEST:

Protest against Department of Labor's use of the "Building" schedule in its wage determinations, rather than "Highway-heavy-Utility" rate schedule, may not be considered by GAO since correctness of wage determinations made by Department of Labor is not subject to review by GAO. 29 C.F.R., part 7, provides administrative procedures for challenge of wage determinations.

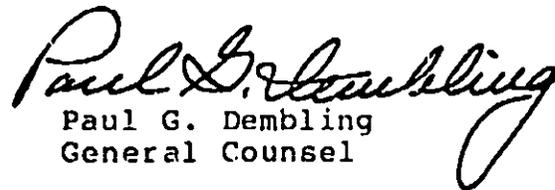
By mailgram of November 28, 1977, the Arkansas Chapter of the Associated General Contractors of America, Inc., protested the use by the Department of Labor of the "Building" schedule in its wage rate determination for certain Federal projects rather than the "Highway-Heavy-Utility" rate schedule. The protester contends that the prevailing practice is to use the latter schedule for the construction of uninhabited structures.

In regard to this matter, the courts have held that the correctness of a prevailing wage determination made by the Secretary of Labor is not subject to judicial review. See United States v. Binghamton Construction Co., 347 U.S. 171 (1954); and Nello L. Teer Co. v. United States, 348 F.2d 533 (1965). We have construed the former decision as precluding this Office from reviewing the correctness of a wage determination in situations such as we have in the present case. See International Union of Operating Engineers, B-182408, February 12, 1975, 75-1 CPD 90. The protester can avail itself of the administrative process

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established by 29 C.F.R., part 7 (1976), whereby wage determinations can be challenged through Department of Labor channels.

In view of the fact that the matter complained of relates to the propriety or correctness of a wage determination and this Office is precluded from reviewing such matters, we are unable to take any action in connection with this protest.


Paul G. Dembling
General Counsel