

DECISION



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

[Protest of Denial by Army of Request to Postpone Bid Opening 096]

FILE: B-194581

DATE: May 7, 1979

MATTER OF: Associated Builders and Contractors, Inc. DLG 01553

DIGEST:

Where protester's facts indicate agency acted reasonably in denying request to postpone bid opening to allow IFB wage determination modification, protest lacks legal merit and is summarily denied without further case development.

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Associated Builders and Contractors, Inc., protests the denial of its request to postpone bid opening for invitation for bids (IFB) No. DACA51-79-B-0039, issued by the Department of the Army, Corps of Engineers. The protest is summarily denied. ACC 00305

Associated believes that Department of Labor wage rates included in the IFB pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a (1976), are excessive. The protester notes that the Department of Labor announced that it was conducting a survey of wages and fringe benefits for the area involved in this case and that determinations based on the survey had been anticipated by April 1, 1979, if the data received in response to its announcement were adequate. The protester therefore requested the Army to delay its procurement until modification of the existing wage rates could be effected. In response to this request, the Army inquired about the status of the survey but was advised by Labor that a modification to the wage decision was not anticipated in the near future. The Army then decided not to postpone the bid opening date of April 12, 1979. We note from Associated's correspondence that the existing wage decision has an expiration date of May 8, 1979, which places the Army's procurement within its coverage.

anticipated

ACC 00009

045226

The Army's decision against postponement, based on Labor's assurance of no imminent modification, is, in our opinion, reasonable and consistent with the applicable provisions of Defense Acquisition Regulation § 18-704.2 which require contracting officers to take certain actions at various stages of the procurement process as precautions against or in the actual event of modification or expiration of an existing wage determination. Moreover, the protester has not alleged a violation of this controlling regulation.

It is clear from Associated's initial submissions that this protest is legally without merit. Therefore, we are deciding the matter on the basis of the facts stated by the protester without further case development. This has been our practice in a number of cases. Kurz-Kasch, Inc.--Request for Reconsideration, B-192604, October 31, 1978, 78-2 CPD 311, and decisions cited therein.

The protest is summarily denied.


Deputy Comptroller General
of the United States