



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Harris System International, Inc.

File: B-228096

Date: October 14, 1987

DIGEST

1. Protest that a Department of Labor wage determination included in a solicitation for a service contract improperly did not include the wage rate for a class of required employees is denied, since the administrative procedure for determining wages for omitted classes of prospective employees in the solicitation provided a reasonable and equal basis for preparation of bids.
2. A challenge to the correctness or completeness of Department of Labor wage determination contained in a solicitation subject to the Service Contract Act should be pursued through Labor's administrative process for reviewing such matters, not through a bid protest to the General Accounting Office.

DECISION

Harris System International, Inc., protests the terms and conditions of invitation for bids (IFB) No. F09607-87-B-0030, issued July 24, 1987, for commissary shelf stocking and custodial services at Moody Air Force Base, Georgia. Harris contends that the IFB is defective in that it does not include a wage determination for the job classification of shelf stocker, thereby denying bidders the opportunity to compete on an equal basis.

We deny the protest.

The Service Contract Act, 41 U.S.C. §§ 351-358 (1982), requires federal contractors to pay minimum wages and fringe benefits, as determined by the Secretary of Labor, to service contract employees. The Department of Labor

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regulations require an agency to notify Labor of its intent to enter into such a contract and to list the classes of employees it expects to employ. 29 C.F.R. § 4.4 (1987). The Air Force in this case provided Labor with a list of three classes of prospective employees, including shelf stockers. The IFB contains both this list and Labor's response, which is a wage determination for general services and support occupations encompassing 18 classes of employees. The wage determination does not, however, include the classification of shelf stocker.

The IFB also incorporates a clause providing standards by which the wage and fringe benefits for any class of employees omitted from the wage determination can be conformed. The contractor must take into account the knowledge and skill levels of unlisted workers and establish wage and fringe benefits that are reasonably related to those of workers in listed classifications with the same skills. 29 C.F.R. § 4.6(b)(2).

In response to the IFB, the Air Force received 23 bids, each containing a conforming wage for the services. Harris did not submit a bid.

There is no legal merit in Harris' protest about the lack of a wage determination for shelf stockers. The Air Force clearly complied with its obligation to obtain a wage determination for inclusion in the IFB. To the extent that the absence of a particular wage determination might affect bid prices, all bidders are affected equally. Moreover, the wage determinations specify minimum wages; they are not a guarantee that a bidder can employ the appropriate workforce at those rates. See Broken Lance Enterprises, Inc., B-201482, Mar. 17, 1981, 81-1 C.P.D. ¶ 203. We have held that the procedures set forth in the IFB for contractors to establish wage and fringe benefits for omitted classes of employees provide a reasonable basis for them to estimate their labor costs and to compete on an equal basis. Consolidated Marketing Network, Inc., B-224458, Oct. 10, 1986, 86-2 C.P.D. ¶ 422.

Further, we will not review the correctness of Labor wage determinations issued in connection with solicitations subject to the Service Contract Act. Rampart Services, Inc.--Reconsideration, B-220800.2, Nov. 12, 1985, 85-2 C.P.D. ¶ 542. Harris must therefore address its concerns to Labor through the administrative procedures set forth in

title 29 of the Code of Federal Regulations, rather than through a bid protest filed in our Office. Consolidated Marketing Network, Inc., B-219387, Sept. 3, 1985, 85-2 C.P.D. ¶ 262.

The protest is denied.

[Signature] Seymour E. Gross
James F. Hinchman
General Counsel