



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** J.C. Adams, Inc.  
**File:** B-260079  
**Date:** January 23, 1995

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### DECISION

J.C. Adams, Inc. protests the wage determination in invitation for bids No. F22600-94-B-0104 issued by the Department of the Air Force.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before bid opening. Specifically, the agency advises our Office that bid opening was scheduled and held on December 27, 1994; J.C. Adam's protest was not filed in our Office until January 20, 1995.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1); Manatts, Inc., B-237532, Feb. 16, 1990, 90-1 CPD ¶ 287. The term "filed" under our Bid Protest regulations means actual "receipt of the protest or other submissions" in our Office. 4 C.F.R. § 21.0(g).

We also note that the determination of prevailing wages and fringe benefits, and the issuance of appropriate wage determinations under the Service Contract Act, 41 U.S.C. §§ 351 et seq. (1988), and the Davis-Bacon Act, 40 U.S.C. §§ 276a et seq. (1988), is a matter for the Secretary of Labor. Concerns with regard to establishing proper wage rate determinations should be raised with the Department of Labor, the agency which is statutorily charged with implementation of these laws. See 41 U.S.C. § 353(a); 40 U.S.C. § 276a; The Forestry Ass'n, Inc., B-236240, Sept. 28, 1989, 89-2 CPD ¶ 294.

A handwritten signature in cursive script that reads "Ronald Berger".  
Ronald Berger  
Associate General Counsel