

DECISION



12366
PL-1
Mr. Boyle
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-197009

DATE: December 19, 1979

MATTER OF: ¹² Consolidated Maintenance Company ^{D. 3516}

DIGEST:

[Protest Involving Wage DETERMINATION
Requirements]

Request that GAO decide whether contractor must observe greater requirements of wage determination issued after execution of contract without increase in contract price is matter of contract administration for resolution under Disputes clause of contract not under GAO's Bid Protest Procedures.

Consolidated Maintenance Company (CMC) requests that our Office resolve a dispute between it and the
2 Department of the Interior, Bureau of Reclamation, Water 76
/ and Power Resources Service (Interior), under contract No. 0-01-72-00580, as amended, concerning CMC's obligation to observe the requirements of amendment No. 1-- modifying the contract to require payment of higher wage rates issued after execution of the contract-- without adjustment of the fixed-price contract.

CMC states that the contract resulted from a request for quotations containing a statement that when Interior was informed by the Department of Labor of the applicable wage determination it would become a part of the resultant contract. About 3 weeks after execution of the contract, Interior issued amendment No. 1 incorporating the new, higher applicable wage rates. CMC requested an adjustment in the contract price to reflect CMC's increased costs. CMC reports that Interior denied CMC's request.

Based on CMC's initial submission, it appears that this matter is a dispute arising under the contract and must be settled pursuant to the terms of the Disputes clause of the contract and not under our Bid Protest Procedures, which are reserved for considering whether an award or proposed award of a contract complies with

~~008122~~ 111140

statutory, regulatory and other legal requirements.
See, e.g., Central Air Service, B-195517, August 20,
1979, 79-2 CPD 136.

Accordingly, we are dismissing CMC's request.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel