



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: W.B.&A., Inc.--Request for Reconsideration

File: B-224422.2

Date: July 31, 1986

DIGEST

Prior dismissal of protest challenging omission of wage determination from a solicitation is affirmed since omission is due to decision by Department of Labor (DOL), not the contracting agency, not to issue a wage determination, and any challenge to the decision therefore should be pursued through DOL's procedures, not a bid protest.

DECISION

W.B.&A., Inc. requests reconsideration of our dismissal of its protest (B-224422, filed July 7, 1986) challenging the omission of a wage determination from invitation for bids (IFB) No. F12617-86-B-0012 issued by the Air Force.

The record shows that the Air Force notified the protester that the IFB would not contain a wage determination because the Department of Labor (DOL) had advised the Air Force that there was no wage determination in effect for the locality and class of employees specified in the IFB. In its subsequent protest to our Office, the protester objected to the omission of a wage determination from the IFB.

We dismissed the protest because it concerned DOL's decision not to issue a wage determination rather than any action by the contracting agency. Although the protester insists that a wage determination should be required here, a decision not to issue a wage determination is vested in DOL's discretion, see 51 Comp. Gen. 72, 76 (1971), and any challenge to such a decision therefore should be pursued through DOL, rather than through a bid protest to our Office. See Consolidated Marketing Network, Inc., B-219387, Sept. 3, 1985, 85-2 CPD ¶ 262.

The prior dismissal is affirmed.

for *Seymour E. For*
Harry R. Van Cleve
General Counsel

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