



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** American Protective Services, Inc.--  
Reconsideration

**File:** B-255843.2

**Date:** May 20, 1994

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### DECISION

American Protective Services, Inc. requests reconsideration of our dismissal of its protest against the award of a contract under solicitation No. 19-68823-Q-BM, issued by the West Valley Nuclear Services Company, Inc., a prime contractor for the Department of Energy. In its protest, American argued that the wage determination contained in the solicitation placed it at a competitive disadvantage because American was obligated under a collective bargaining agreement to pay wages "substantially higher" than those outlined in the wage determination. We dismissed the protest because our Office does not consider challenges to such wage rate determinations, noting that concerns about the wage rates should be raised with the Department of Labor.

We deny the request for reconsideration because the request provides no basis for reconsidering our prior decision.

The protester in essence repeats the argument it made previously, asserting that it filed a timely protest against the terms of the solicitation which allegedly placed it at a competitive disadvantage. Our dismissal of this protest basis, however, was not predicated on timeliness grounds. Rather, as stated, we dismissed the allegation as a matter outside the scope of our review. See The Forestry Ass'n, Inc., B-236240, Sept. 28, 1989, 89-2 CPD ¶ 294. Accordingly, the protester's argument that its protest is timely is misplaced and does not provide a basis for reconsideration.

Our decision also stated that to the extent that the protester was challenging the applicability of the Service Contract Act, 41 U.S.C. §§ 351 et seq. (1988), to the procurement, the protest was untimely. Based on its reconsideration request, the protester does not appear to be alleging that the Service Contract Act does not apply to the procurement; rather, it continues to complain about the unfairness of having to pay wages higher than those in the wage determination. Since American has not shown that our

dismissal of this issue was improper, we deny the reconsideration request. See R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

*Ronald Berger*

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