

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-215812

DATE: July 26, 1984

MATTER OF: Allis-Chalmers Company

DIGEST:

Request for remission of liquidated damages assessed by Department of the Interior must be denied in the absence of a favorable recommendation by the head of the agency.

Allis-Chalmers requests the remission of \$103,875 in liquidated damages assessed under Contract No. 9-07-DS-07375, awarded by the Bureau of Reclamation, Department of the Interior, for turbine replacement runners to be used at Glendo Powerplant, North Platte Project, Wyoming. The liquidated damages were imposed for failure to ship replacement runners in accord with the contract shipment dates. The Department of the Interior has referred the request to our Office.

In its report, the agency recommends denial of Allis-Chalmers' request. Under 10 U.S.C. 2312 (1982), the Comptroller General may remit all or part, as he considers just and equitable, of any liquidated damages assessed for delay in performing a contract made by the agency. However, a favorable recommendation by the head of the contracting agency is a prerequisite to any remission action by this Office. Alan Stone Company, B-213822, Jan. 17, 1984, 84-1 CPD ¶ 79.

Since the Department of the Interior recommends denial, we must decline to grant the relief requested.

Sheldon J. Aorlan
for Comptroller General
of the United States

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