

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Thomas & Sons Building Contractors, Inc.) ASBCA No. 51590
)
Under Contract No. N62472-90-C-0410)

APPEARANCE FOR THE APPELLANT: Mr. James H. Thomas
President

APPEARANCES FOR THE GOVERNMENT: Fred A. Phelps, Esq.
Navy Chief Trial Attorney
Ellen M. Evans, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE PARK-CONROY
ON APPELLANT'S MOTION FOR RECONSIDERATION

Appellant seeks reconsideration of our decision dated 4 January 2001 dismissing for lack of jurisdiction that portion of its appeal relating to its claim of improper wage rate assessments.

Appellant asserts that we have jurisdiction to determine how the Davis-Bacon Act is to be administered. As we understand it, appellant is of the view that the contracting officer was obligated to ensure that the Department of Labor (DOL) included a correct and complete wage determination in Contract N62472-90-C-0410, that General Wage Decision No. DE91-2, as amended, was in error and that the contracting officer should have issued a modification correcting that error.

Appellant is mistaken. DOL, not the contacting officer, is responsible for the preparation of Davis-Bacon Act wage determinations. As we found in our original decision, disputes involving labor standards provisions are within the exclusive jurisdiction of DOL. This is such a dispute.

Appellant has not provided any reason for us to depart from our original decision. Having reconsidered our decision, we affirm it.

Dated: 6 February 2001

CAROL N. PARK-CONROY
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur

I concur

MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

EUNICE W. THOMAS
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA No. 51590, Appeal of Thomas & Sons Building Contractors, Inc., rendered in conformance with the Board's Charter.

Dated:

EDWARD S. ADAMKEWICZ
Recorder, Armed Services
Board of Contract Appeals