

## 22.404-8 Notification of improper wage determination before award.

(a) The following written notifications by the Department of Labor *shall* be effective immediately without regard to 22.404-6 if received by the *contracting officer* prior to award:

(1) A *solicitation* includes the wrong wage determination or the wrong rate schedule; or

(2) A wage determination is withdrawn by the Administrative Review Board.

(b) In sealed bidding, the *contracting officer shall* proceed in accordance with the following:

(1) If the notification of an improper wage determination for the primary site of the work reaches the *contracting officer* before bid opening, the *contracting officer shall* postpone the bid opening date, if necessary, to allow a reasonable time to-

(i) Obtain the appropriate determination if a new wage determination is required;

(ii) Amend the *solicitation* to incorporate the determination (or rate schedule); and

(iii) Permit bidders to amend their bids. If the appropriate wage determination does not change any wage rates and would not warrant amended bids, the *contracting officer shall* amend the *solicitation* to include the number and date of the new determination.

(2) If the notification of an improper wage determination for the primary site of the work reaches the *contracting officer* after bid opening but before award, the *contracting officer shall* delay awarding the contract, if necessary, and if required, obtain the appropriate wage determination. The appropriate wage determination *shall* be processed in accordance with 22.404-5(b)(2)(i) or (ii).

(c) In negotiated *acquisitions*, the *contracting officer shall* delay award, if necessary, and process the notification of an improper wage determination for the primary site of the work in the manner prescribed for a new wage determination at 22.404-5(c)(3).

**Parent topic:** 22.404 Construction Wage Rate Requirements statute wage determinations.