

118448 PL-1 Phillips

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20540

FILE: B-207427

DATE: May 24, 1982

MATTER OF: Hunt Building Corporation

DIGEST:

GAO has no authority to act on request by contractor for remission of amount withheld from monies owed under federally assisted contract to cover wage underpayments, since enforcement provisions of Davis-Bacon Act which GAO is required to administer do not apply to federally assisted contracts.

Hunt Building Corporation (Hunt) requests remission of \$261,846.55 withheld under the contract for project No. AZ 40-1 for the purpose of covering alleged wage underpayments.

Hunt states that the contract is governed by Davis-Bacon wage requirements. We note, however, that the contract is between Hunt and the Pascua Yaqui Housing Authority, a local housing authority on the Pascua Yaqui Indian Reservation in Arizona. Therefore, it appears that the contract is a federally assisted contract and not a direct contract between the federal Government and Hunt.

In this regard, in Jordan & Nobles Construction Co., B-19887, June 10, 1980, 80-1 CPD 401, we stated in pertinent part:

"* * * We have had occasion to comment generally upon Davis-Bacon Act applicability to federally assisted programs such as those involved in the present case. We have stated that, while in numerous instances the Congress has extended the prevailing wage requirement to federally assisted construction and there has been a tendency to say that these programs

are covered by the Davis-Bacon Act, this characterization is incorrect, since no direct Federal contracts are involved and neither the Davis-Bacon Act itself nor the enforcement provisions of the Davis-Bacon Act pertaining to our Office have been made applicable. * * *

Accordingly, since it does not appear that the enforcement provisions of the Davis-Bacon Act which we are required to administer apply to the construction work under the above contract, we have no authority to take any action on the request by Hunt.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel