



Office of the General Counsel

B-231346

September 8, 1988

Mr. Albert A. Bartos, President
Northwest Electrical/Mechanical
Contractors, Inc.
Post Office Box 983
Greenbelt, Maryland 20770

Dear Mr. Bartos:

Subject: Northwest Electrical/Mechanical
Contractors, Inc.
Greenbelt, Maryland

Contract No.: V646C-832
V646C-857
DOL File No.: 85-316-01386

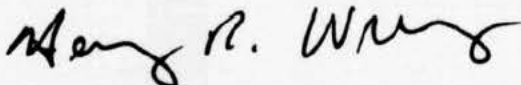
The Assistant Administrator, Employment Standards Administration, United States Department of Labor, by letter dated August 4, 1988, recommended to our Office that Northwest Electrical/Mechanical Contractors, Inc., be placed on the ineligible bidders list for violations of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), with respect to the above-referenced contracts.

We concur with the Assistant Administrator's recommendation. The Davis-Bacon Act provides that the Comptroller General is to debar persons or firms whom he finds have disregarded their obligations to employees under the Act. 40 U.S.C. § 276a. Our review of the record confirms that there were substantial violations in this case which constitute a disregard of obligations to employees with respect to the minimum wage provisions of the Davis-Bacon Act.

Accordingly, Northwest Electrical/Mechanical Contractors, Inc., will be included on a list to be distributed to all departments of the government. Pursuant to statutory direction at 40 U.S.C. § 276a-2, no contract shall be awarded to them or to any firm, corporation, partnership, or association in which they, or any of them, have an interest until 3 years have elapsed from the date of publication of such list.

Mr. Bartos has agreed to make restitution payments to the workers in installments. However, since only a partial amount of the funds due to the workers are available for the payment of their wages, the workers have a right to file an action in a United States District Court against the contractor and its sureties, if any, for the amount of the deficiency in their wages under section 3(b) of the Davis-Bacon Act, 40 U.S.C. § 276a-2(b) (1982).

Sincerely yours,



Henry R. Wray
Associate General Counsel

cc: Sylvester L. Green, Director
Contract Standards Operations
U.S. Department of Labor
Room S3518
200 Constitution Avenue, NW.
Washington, D.C. 20210

Group Director, Claims Group/GGD