GAO

United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-231591

August 24, 1988

Harvey Nasek, President
Harvey Associates, Inc.
32 Calvin Road
Watertown, Massachusetts 02172

Dear Mr. Nasek:

Subject: Trust Construction Corporation - Prime Contractor
Harvey Associates, Inc. - Subcontractor
Contract No.: CX-1600-5-9001
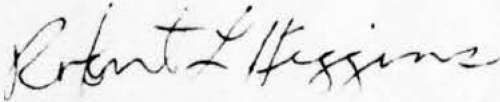DOL File No.: 86-106-02463

The Administrator, Employment Standards Administration,
United States Department of Labor, by a letter dated
May 26, 1988, recommended to our Office that the names
Harvey Associates, Inc., and Harvey Nasek, individually
and as its President, 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 contract.

We concur with the 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-2. 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, Harvey Associates, Inc., and Harvey Nasek,
individually and as its President, will be included on a
list to be distributed to all departments of the govern-
ment. 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.

We note that the back wages have been paid to the wage claimants.

Sincerely yours,

Robert L Higgins

FOR Henry R. Wray
Associate General Counsel

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

      Mr. Oliver W. Krueger
      Associate Director/GGD - Claims Group