

GAO

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

Office of the General Counsel

B-230461

April 1, 1988

Mr. Frank Cipriano
A/K/A Frank Cipp
Owner
Fern Construction
124 Coral Drive
Bricktown, New Jersey 08724

Dear Mr. Cipriano:

Subject: Trataros Construction - Prime Contractor
Reliable Construction Co., Inc. - Subcontractor
Fern Construction - Lower Tier Subcontractor
Contract No.: DACA51-82-0252
Maintenance/Repair Warehouse
Building #3137
Fort Dix, New Jersey
DOL File NO.: NY-84-129

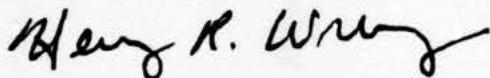
The Administrator, Employment Standards Administration, United States Department of Labor, by letter dated February 22, 1988, recommended to our Office that the names Fern Construction, Frank Cipriano, a/k/a Frank Cipp, individually and as its owner, be placed on the ineligible bidders list for violations of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), with respect to the above-referred contract.

We concur with the Administrator's recommendation. The Davis-Bacon Act provides that the Comptroller General is to debar persons and firms whom he finds have disregarded their obligations to their employees under the Act. 40 U.S.C. § 276a-2. Our review of the record in this case confirms that there were substantial violations which constitute a disregard of obligations to your employees with respect to minimum wage provisions of the Act. Accordingly, your name individually and as owner, and that of Fern Construction, will be included on a list of ineligible bidders 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 Fern Construction, or to you, or to any firm, corporation, partnership, or association in which you

have an interest until 3 years have elapsed from the date of publication of that list.

When our Claims Group receives the funds which were withheld for the violations, they will be disbursed to the wage claimants in accordance with established procedures.

Sincerely yours,



Henry R. Wray
Associate General Counsel

cc: Paula V. Smith
Administrator
Employment Standards Administration
Wage and Hour Division
U.S. Department of Labor
Washington, D.C. 20210

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

Group Director, Claims Group/GGD