

Office of the General Counsel**B-230432****February 26, 1988**

**Mr. Charles Adkins
President
Mr. Ed Sparks
Vice President
Mid American Erecting Corporation
20500 West 47th Street
Shawnee, Kansas 66218**

Dear Mr. Adkins and Mr. Sparks:

**Subject: Charles Adkins, President
Ed Sparks, Vice President
Mid American Erecting Corporation
Shawnee, Kansas**

**Project No.: J132C0282
"B" Cell House
U.S. Penitentiary
Leavenworth, Kansas
DCL File No.: TEX-85-32**

The Administrator, Employment Standards Administration, United States Department of Labor, by letter dated February 11, 1988, requested that the names of Mid American Erecting Corporation; Charles Adkins, individually and as its president; and Ed Sparks, individually and as its vice president, be placed on the ineligible bidders list for violations of the "Anti-Kickback" Act, 40 U.S.C. § 276c, and recommended to our Office that these same names be placed on the ineligible bidders list for having committed violations of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), with respect to the above contracts.

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 obligation to employees under the Act. 40 U.S.C. § 276a-2. Our review of the record confirms that there were substantial violations on this case which constitute a disregard of the obligation to employees with respect to the minimum wage provisions of the Davis-Bacon Act.

Accordingly, Mid American Erecting Corporation; Charles Adkins, individually and as its president; and Ed Sparks, individually and as its vice-president, 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 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. Pursuant to applicable regulations, 29 C.F.R. § 5.12, these same names will be placed on the ineligible bidders list for violations of the "Anti-Kickback" Act.

The unpaid wages for violations in the amount of \$31,518.70 withheld by the Bureau of Prisons will be disbursed in accordance with established procedures when received by our Claims Group.

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, DC 20210

Group Director, Claims Group/GGD
with Department of Labor enclosures