



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

Office of the General Counsel

B-228807

September 9, 1987

Mr. Freeman Bacon
Owner
Bacon's Painting and Construction Company
950 Wilmoth
Post Office Box 226
Harrisburg, Illinois 62946

Dear Mr. Bacon:

Subject: Freeman Bacon, Owner
Bacon's Painting and Construction Co.
Harrisburg, Illinois
Project No. 50-51A8-4-035
Forest Ranger Station
Murphysboro, Illinois

Project No. F11623-85-C0002
Bike Path Construction
Scott AFB, Illinois

Project No. F11623-C0059
Sidewalk Repairs
Scott AFB, Illinois

DOL File No. 85-520-02629

The Administrator, Employment Standards Administration, United States Department of Labor, by letter dated October 2, 1986, recommended to our Office that Bacon's Painting and Construction Co. and Freeman Bacon, individually and as 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 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 the obligation to employees with respect to the minimum wage provisions of the Davis-Bacon Act.

Accordingly, Bacon's Painting and Construction Co. and Freeman Bacon, individually and as Owner, 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.

The unpaid back wages have been distributed to the wage claimants who could be located in accordance with established procedures. The funds remaining after these payments have been deposited with the Department of the Treasury and will be paid to the other wage claimants when they are located.

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, N.W.
Washington, D.C. 20210

Group Director, Claims Group/GGD
with Claims Files Z-2864607,
Z-2864607(1) and Z-2864607(2)