



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

Office of the General Counsel

B-222269

March 18, 1987

Mr. Robert C. Brisson
Owner
Brisson Masonry
14140 Donart Drive
Poway, California 92064

Dear Mr. Brisson:

Subject: Brisson Masonry
Contract No. N62474-81-C-8236
DOL File No. CAL-85-304

The Assistant Administrator, Employment Standards Administration, United States Department of Labor, by letter dated January 28, 1987, recommended to our Office that Brisson Masonry and Robert C. Brisson, individually and as Owner, be placed on the ineligible bidders list for violation of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), with respect to the above-referenced contract.

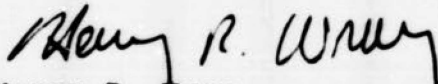
We concur with the Assistant Administrator's recommendation. The Davis-Bacon Act provides that the Comptroller General is to debar persons or firms whom he finds have disregarded their obligations to employees under the Act, 40 U.S.C. § 276a-2. Our review of the record confirms that there were substantial 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, Brisson Masonry and Robert C. Brisson, individually and as Owner, 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.

At the present time, there are no funds on deposit with our Claims Group for disbursement of the back wages due the wage

claimants. The sum of \$127,677.98 has been withheld by the Department of the Navy from the payments due the prime contractor, Dunphy Construction Company, under the contract under consideration. Dunphy Construction Company has tendered payment to the Department of Labor the sum of \$3,000 received from the Surety of Brisson Masonry. When our Claims Group obtains the funds, they will be disbursed to the wage claimants in accordance with established procedures.

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