



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

Office of the General Counsel

B-217709

November 26, 1986

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

Dear Mr. Green:

Subject: The Widmer Corporation  
Oakland, California  
Contract Nos. JAJ-1325(UNC)  
and JAJ-1288(UNC)  
DOL File No. CAL-84-308

By letter dated August 27, 1984, you requested that we distribute the funds on deposit with our Claims Group to wage claimants, which were withheld for violations of the Davis-Bacon Act, 40 U.S.C. § 276a to 276a-5 (1982). On the issue of debarment, you concluded that the Department of Labor (DOL), did not consider further administrative action necessary.

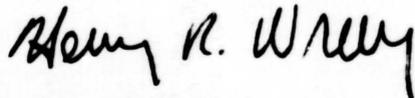
As you are aware, we ordered that the workers involved in this case be paid from the funds on deposit with our Claims Group, and deferred consideration of the debarment issue. The Widmer Corporation, B-217709, August 19, 1985.

In regard to the debarment issue, we note that Widmer Corporation has not been served with any notice of the initiation of debarment proceedings which DOL would have been legally required to serve if it had found reasonable cause to believe that the violations constituted a substantial disregard of the Davis-Bacon Act, and it wished to institute debarment proceedings. See B-3368, March 19, 1957, and 29 C.F.R. § 5.12(b)(1) (1985).

Furthermore, we have already disposed of the payment issue, and DOL has recommended that no further administrative action be taken.

In view of all these circumstances, we concur with your recommendation, and thus decline to debar The Widmer Corporation.

Sincerely yours,



Henry R. Wray  
Associate General Counsel

cc: Mr. Keith Younglund  
Treasurer  
The Widmer Corporation  
711 71st Avenue  
Oakland, California 94621

Group Director, GGD  
Claims Group  
(w/files Z-2854560 and  
Z-2854560(1))