

Office of the General Counsel

B-223061

October 10, 1986

Mr. Robert J. Tunney
Owner
Robert J. Tunney Company
Suite 210A
223 East Thousand Oaks
Boulevard
Thousand Oaks, California 91360

Dear Mr. Tunney:

Subject: Robert J. Tunney Company
Contract Nos. N62474-83-C-6516
and N62474-83-C-6522
DOL File No. CAL-84-80

The Assistant Administrator, Employment Standards Administration, United States Department of Labor, by letter dated November 27, 1985, recommended to our Office that Robert J. Tunney Company and Robert J. Tunney, 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-referenced contracts.

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, Robert J. Tunney Company and Robert J. Tunney, 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.

The Department of the Navy is in the process of transmitting the withheld funds, \$27,847.45, to our Claims Group. When our Claims Group receives those funds, it will disburse them to the wage claimants in accordance with established procedures.

Sincerely yours,

Robert L. Higgins Jr.

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 file Z-2863960 and Z-2863960(1)