

GAO

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

Office of the General Counsel

B-223768

August 26, 1986

William E. Gerstenslager, Esq.
Robert E. Sweeney Co., L.P.A.
Suite 950, Illuminating Building
55 Public Square
Cleveland, Ohio 44113

Dear Mr. Gerstenslager:

This responds to your letter to us dated July 3, 1986, and confirms what I understand you were informed by Mr. Stewart Graham of our Office on July 29, 1986, in a telephone conversation. You request that we not place your client--National Electro-Coatings, Inc.--on the list of persons and firms ineligible to be awarded Federal government contracts. You state as the reason for this request that you have petitioned a United States District Court for an injunction against any such ineligibility.

However, your client was placed on that list on June 16, 1986, for a violation of the Service Contract Act of 1965, as amended, 41 U.S.C. §§ 351-358 (1982). Under that Act, the Secretary of Labor has the authority to direct that persons or firms be placed on that list; while the Comptroller General of the United States performs the purely ministerial acts of placing the names on--and distributing--that list. See section 354. Therefore, we cannot comply with your request. We will remove your client from that list upon direction to do so by the Secretary of Labor or pursuant to an order of a court of competent jurisdiction.

Sincerely yours,

R. L. Higgins
Robert L. Higgins
Assistant General Counsel