



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-197445

September 3, 1985

David Rameriz, Contracting Officer
General Services Administration
230 S. Dearborn Street
Chicago, Illinois 60604

Dear Mr. Rameriz:

Subject: E. A. Ellis Contractors, Inc.
1930 McGraw
Detroit, Michigan 48208
Contract No.: GS-05BC-82301

We have the record before us in the above-captioned matter for decision on the payment issue under the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982). It is apparent to us that there is a possible basis for settlement of this issue among the parties concerned in that the workers (the sons of the owner of E. A. Ellis Contracting, Inc.) have made no claims for the wage underpayments, the contractor wants the withheld funds paid to the First Independence Bank of Detroit under the assignment filed with your office, and the First Independence Bank of Detroit wants to receive payment of these funds under that assignment. We ask that you explore the possibility of an arrangement among these parties whereby the workers, the contractor, and the bank agree to the payment of the withheld funds to the bank in satisfaction of the assignment. We believe such an arrangement to be possible because of statements in the record and the familial relationship between the workers and the owner of the company.

We appreciate your cooperation in this matter. If such an agreement can be reached, please formalize it and forward

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it to our Office (Reference B-197445). We would like to use it as a basis for resolving the payment issue.

Sincerely yours,

Robert L. Higgins
for Henry R. Wray
Associate General Counsel

cc: Mr. Gerald Harrington
Senior Vice President
First Independence Bank of Detroit
234 State Street
Detroit, Michigan 48226

Mr. Sylester L. Green
Director
Contract Standards Operations
Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
Room S 3518
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Mr. Ervin A. Ellis, President
E. A. Ellis, Contractors, Inc.
1930 McGraw
Detroit, Michigan 48208