

Office of the General Counsel

B-221444

UNRESTRICTED CONT

August 18, 1986

Mr. James William Carsten
Owner
Superior Drywall
1200 North Clifton
Springfield, Missouri 65801

Subject: Superior Drywall
Contract No. DACA41-81-C-0119
DOL File No. MO-84-378

The Assistant Administrator, Employment Standards Administration, United States Department of Labor, by letter dated June 26, 1985, recommended to our Office that Superior Drywall and James William Carsten, individually and as owner of Superior Drywall, 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 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 with respect to the minimum wage provisions of the Davis-Bacon 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, Superior Drywall and James William Carsten, individually and as owner of Superior Drywall, 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.

Superior Drywall and James William Carsten have also been placed on the ineligible bidders list for violations of the Copeland "Anti-Kickback" Act, 40 U.S.C. § 276c (1982). The date of the debarment under the Davis-Bacon Act shall relate back to the date of debarment under the Copeland Act.

The funds on deposit with our Claims Group, \$3,036.79, which were withheld for the violations, including the Contract Work Hours and Safety Standards Act, 40 U.S.C. §§ 327-333 (1982), 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
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Group Director, Claims Group/GGD
with file Z-2863414