

## Office of the General Counsel

B-223010

UNRESTRICTED CONT

August 12, 1986

Sylvester L. 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: Trogdon-Strickland, Inc. - Prime  
Contractor  
Electrical Systems Contracting Co., Inc. -  
Subcontractor  
Contract No.: DOT-CG7-5352  
DOL File No.: FLA-77-942

By letter dated February 26, 1985, Ms. Rae Eileen Glass of your staff submitted to us the above-referenced case involving violations of the Davis-Bacon Act, 40 U.S.C. § 276-276a-5 (1982) by the subcontractor Electrical Systems Contracting Co., Inc. (Electrical). Ms. Glass's letter gives no recommendation on whether Electrical should be placed on the ineligible bidders list.

Our independent review of the file leads us to conclude that the violations in this case were not substantial and do not constitute a disregard of obligations to employees with respect to the minimum wage provisions of the Davis-Bacon Act. Accordingly Electrical will not be placed on the ineligible bidders list for these violations.

The funds on deposit with our Claims Group are \$15,076.95; however, Ms. Glass recommends disbursement of \$14,801.33 which amount reflects the amount ordered to be paid by an Administrative Law Judge in the case of Donovan v. Trogdon Strickland, Inc., et al., case no. 81-DB-213, in which on September 2, 1983, a default judgment was entered against the defendants. Since the \$15,076.95 amount was prepared in conjunction with an investigative report compiled in 1977, we assume that the new amount of \$14,801.33 taken from the 1983 decision is correct. In an informal contact with a member of your staff, we were told that there was no information available to explain why the original amount had been reduced. We, therefore, are instructing our Claims Group to disburse \$14,801.33 to the wage claimants in accordance with established procedures. We are also instructing our Claims Group to return the balance of \$275.62 to the

Prime Contractor unless they hear otherwise from you within 45 days of receipt of this letter.

Sincerely yours,

*Henry R. Wray*

Henry R. Wray  
Associate General Counsel

cc: Mr. Frank E. Strickland  
Trogon Strickland, Inc.  
2402 East Market Street  
Orlando, Florida 32807

Mr. Jack Ashford  
Electrical Systems Contracting Co., Inc.  
2914 Trentwood Boulevard  
Orlando, Florida 32808

Group Director, Claims Group/GGD  
with file Z-2862917.