



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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Dear Mr. Chairman:

In response to your letter request of September 25, 1972, we have inquired into Mr. Morris Evanson's complaints of irregularities in the performance of a painting contract at Fort Ord, California. We discussed the results of our inquiry with your office on October 27, 1972, and, as agreed, we are submitting this report to you.

We met in San Francisco with Mr. Evanson, who is the secretary of the Painters Local Union No. 4, and with Mr. Douglas Page, the union's attorney. We also obtained information from the Fort Ord Contracting Officer and the 6th Army Chief of Procurement.

Mr. Evanson's complaints can be summarized as follows. The painting contractor at Fort Ord (1) paid less than the prevailing union wages, (2) employed aliens who were illegally in this country, and (3) did not comply with contract terms regarding preparatory work and the application of paint.

Regarding the first complaint, we found that the painting contract in question was awarded during the brief period when the President of the United States had suspended the wage determination provisions of the Davis-Bacon Act. Consequently, the contractor was not required to pay the prevailing wages. Regarding aliens being illegally in this country, Mr. Evanson had no specific information regarding any such individual. And, regarding noncompliance with contract terms, Mr. Evanson gave us no leads relative to any specific work or to any individual who might be knowledgeable of violations.

Our discussions with Mr. Evanson brought out that his primary concern was having the painting contractor pay the union \$17,493 for nonpayment of fringe benefits to the Bay Area Painters Trust Fund and pay for audit cost, liquidated damages, and attorney fees. We found that this issue is the subject of a civil suit now before the Superior Court of California in San Francisco. We, accordingly, advised him that there appeared to be no basis for a General Accounting Office review of any of the matters raised by him. The union's

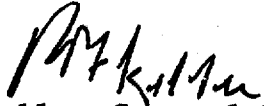
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attorney confirmed that he could see no reason for our Office to be involved.

We trust that this information serves the purpose of your request. If we can be of further assistance, please let us know.

Sincerely yours,


Comptroller General
of the United States

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The Honorable Jack Brooks, Chairman
Government Activities Subcommittee
Committee on Government Operations
House of Representatives

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