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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-219040

November 25, 1985

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: C. Brantingham and Associates
Carson City, Nevada
Contract No. 50-82X9-0-084
Your File No. NEV-81-251

By letter dated February 6, 1985, you requested that we distribute to wage claimants funds withheld from C. Brantingham and Associates (Brantingham) for violations of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), on Contract No. 50-82X9-0-084. As to whether Brantingham should be placed on the ineligible bidders list, you stated that the Department of Labor (DOL) considered no further administrative action to be necessary. We agree that the wage claimants should be paid, and given all the circumstances of this case, we agree that Brantingham should not be debarred.

From the record you have supplied to us, it appears that the DOL initiated an investigation of Brantingham in 1981 at the request of a contracting officer with the United States Forest Service. According to the information supplied by him, Brantingham failed to pay its employees any compensation for work on the contract referenced above. The DOL then found that Brantingham discontinued its operations and was apparently out of business. While the DOL was thus unable to conduct a full investigation, it was nevertheless able to compute a gross amount of \$1,570.83 due to six employees. We also note that the DOL did not send Brantingham a charging letter.

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Based on our independent review of the record, we find no evidence indicating that Brantingham attempted to dispute the underpayments determined to be due the six employees and withheld under the contract. This, combined with lack of proof of payment, is sufficient to establish that the employees were underpaid the amounts in question. Thus, the funds on deposit with our Office--\$1,570.83--will be distributed to the wage claimants in accordance with established procedures. Furthermore, in view of your recommendation and all the circumstances of this case, we decline to debar Brantingham.

Sincerely yours,



Henry R. Wray
Associate General Counsel

cc: C. Brantingham and Associates
Star Route 1
P.O. Box 617
Carson City, Nevada 89701