



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-222809

June 2, 1986

James H. David, President  
Rita F. David  
Vice President/Secretary  
Hopster Fence Co., Inc.  
12585 Parkside  
Lakeside, California 92040

Dear Mr. and Mrs. David:

Subject: Hopster Fence Co.  
Contract No. DACA05-79-C-0160  
DOL File No. IX-83-CA-53

The Assistant Administrator, Employment Standards Administration, United States Department of Labor, by letter dated April 23, 1984, recommended to our Office that Hopster Fence Co., Inc., and James H. David, President, and Rita F. David, Vice President/Secretary, individually and as officers of Hopster Fence Co., Inc., be placed on the debarred bidders list for violations of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), with respect to the above-referenced contracts.

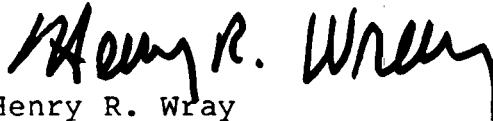
We concur with the Assistant Administrator's recommendation. The Davis-Bacon Act provides that the Comptroller General is to debar persons or firms who he finds have disregarded their obligations to employees under the Act. 40 U.S.C. § 276a-2. Our review of the record confirms that there were substantial violations of the Davis-Bacon Act in this case, which constitute a disregard of obligations to employees with respect to the minimum wage provisions of the Davis-Bacon Act. Accordingly, Hopster Fence Co., Inc., James H. David, and Rita F. David 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.

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B-222809

The funds on deposit with our Claims Group which were withheld for violations have been disbursed to the wage claimants in accordance with established procedures.

Sincerely yours,



Henry R. Wray  
Associate General Counsel

cc: Sylvester L. Green, Director  
Contract Standards Operations  
U.S. Department of Labor  
Room S3518  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Group Director, Claims Group/GGD  
with file Z-2854209