

Type of Review: Revision.
Agency: Employment and Training Administration.

Titles: Employment Service Program Reporting System.
Form Numbers: ETA 9002 Quarterly Report; VETS 200 LVER Quarterly

Report; and VETS 300 Cost Accounting Report.
Agency Number: 1205-1240.
Estimated Burden Hours: 8249.

Reports	Respondents	Frequency	Responses	Avg. time per response	Burden
USES Rpt.	54	4	216	2.75	594
VETS Rpt.	54	4	216	.25	54
USES Rec.	54	1	54	12.00	648
VETS 200A	54	4	216	.75	162
VETS 200B	54	4	216	.75	162
VETS 300	54	4	216	1.00	216
Mgt. Rpt.	1,600	4	6,400	.83	5,333
Totals			7,534		8,249

Comments submitted in response to this notice will be summarized and/or included in the request for Office Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 23, 1996.
 John M. Robinson,
Deputy Assistant Secretary, Employment Training Administration.
 [FR Doc. 96-5047 Filed 3-4-96; 8:45 am]
BILLING CODE 4510-30-M

Office of Federal Contract Compliance Programs

Rampart Electric, Inc., Debarment

AGENCY: Office of Federal Contract Compliance Programs, Labor.
ACTION: Notice of debarment, Rampart Electric, Inc.

SUMMARY: This notice advises of the debarment of Rampart Electric, Inc. (hereafter "Rampart"), as an eligible bidder on Government contracts and subcontracts and federally assisted construction contracts and subcontracts. The debarment is effective immediately.

FOR FURTHER INFORMATION CONTACT: Annie Blackwell, Director Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Ave., NW, Room C-3325, Washington, DC. 20210 (202-219-9430).

SUPPLEMENTARY INFORMATION: On September 11, 1995, pursuant to 41 CFR 60-30.30, the Secretary of Labor issued a Final Decision and Order of Debarment and Related Sanctions: (1) Finding Rampart in violation of Executive Order 11246, as amended, and its implementing regulations; (2) cancelling all Federal contracts and subcontracts and all federally assisted construction contracts and subcontracts of Rampart, and of its officers,

(including Jeff Dwyer a/k/a Jeff Droyer and Jeff Dryer), agents, servants, employees, direct or beneficial owners, divisions or subsidiaries, and of those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise; declaring Rampart ineligible for extensions or other modifications of any existing Government contracts or subcontracts; and declaring Rampart and its successors, officers, agents, servants, employees, direct or beneficial owners, divisions or subsidiaries, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, ineligible for the award of any Government contracts or subcontracts until Rampart satisfies the Deputy Assistant Secretary for Federal Contract Compliance Programs that is in compliance with Executive Order 11246, as amended. A copy of the Decision and Order is attached.

Signed October 26, 1995, Washington, DC.
 Shirley J. Wilcher,

Deputy Assistant Secretary For Federal Contract Compliance Programs.

U.S. Department of Labor
Secretary of Labor, Washington, DC

Date: September 11, 1995
 Case No. 89-OFC-14.

In the Matter of *Office of Federal Contract Compliance Programs, United States Department of Labor, Plaintiff v. Rampart Electric, Inc., Defendant.*

Before: The Secretary of Labor

Final Decision and Order of Debarment and Related Sanctions

This proceeding arises under Executive Order No. 11,246, 3 CFR 339 (1964-65), reprinted as amended in 42 U.S.C. 2000e note (1988). Upon the Defendant's failure to respond and participate in these proceedings, the Administrative Law Judge (ALJ) issued

a [Recommended] Decision and Order (R.D. and O.), holding that the Defendant had thereby admitted the material allegations of fact in Plaintiff Office of Federal Contract Compliance's (OFCCP's) Administrative Complaint and had waived its right to a hearing. The ALJ recommended cancellation, termination, and suspension of existing Government contracts¹ and federally assisted construction contracts, and prohibition against extensions or other modifications of current contracts. R.D. and O. at 3.

After referring to the Defendant's failures to respond to the ALJ's Notice of Docketing and the Show Cause Order directing the Defendant to show why its failure to file either an answer to OFCCP's complaint or to the Notice of Docketing should not constitute an admission of OFCCP's allegations under 41 CFR 60-30.6, the ALJ held the following:

Defendants [sic] persistent refusal to pursue this matter has left this forum no alternative other than to find that it has ADMITTED all the material allegations of fact contained in the complaint and has hereby WAIVED its right to a hearing on this matter. Accordingly it is FOUND that:

1. Defendant Rampart Electric, Inc., at all times material hereto, has been a corporation engaged in construction, and has maintained corporate offices at 6605 Alberta Drive, Colorado Springs, Colorado 80918.

2. Defendant, at all times material hereto, has had a contract with the Army and Air Force Exchange Service as the subcontractor in an expansion project in Colorado Springs, Colorado, the value of which was in excess of \$10,000. Defendant was therefore a Government contractor within the meaning

¹ Contracts also connote subcontracts. See 41 CFR 60-1.3 (1995) (definitions of contract, contractor, federally assisted construction contract, government contract, prime contractor, subcontract, subcontractor); 41 CFR 60-4.1.

of Executive Order (E.O.) 11246, and was subject to the contractual obligations imposed on Government Contractors by E.O. 11246, and the implementing regulations, including the regulations found at 41 CFR Part 60-4 (affirmative action requirements for construction contractors and subcontractors).

3. A compliance review under E.O. 11246 was conducted. On June 21, 1987, plaintiff notified defendant of the problem areas which were identified in the compliance review. * * *

4. On July 17, 1987, defendant entered into a Conciliation Agreement with OFCCP, committing defendant to submit Monthly Manpower Utilization Reports (Standard Form CC-257) to OFCCP. * * *

5. Defendant failed to submit the required Monthly Manpower Utilization Reports (Standard Form CC-257), as provided for in the Conciliation Agreement.

6. OFCCP unsuccessfully attempted to secure the reports and defendant's compliance through means of conciliation and persuasion.

7. On January 28, 1989, OFCCP sent defendant a notice to show cause pursuant to 41 CFR 60-4.8 to which defendant failed to respond with (sic) 15 days. * * *

8. Defendant continues to refuse to submit the reports which were due and is in violation of E.O. 11246, the implementing regulations and its Conciliation Agreement. R.D. and O. at 1-2.

Although the Defendant's failure to file an answer constituted an admission of OFCCP's complaint allegations, 41 CFR 60-30.6(b), a waiver of hearing and a lawful basis for the ALJ's subsequent adoption of OFCCP's material facts as alleged in its complaint, 412 CFR 60-30.6(c), the Defendant was further provided "an opportunity to file exceptions to (the R.D. and O.) and to file briefs in support of the exceptions." 41 CFR 60-30.6(c). The Defendant made no such filings with the Secretary.

The Office of Administrative Appeals (OAA) subsequently issued an Order to Ensure Service and Establish Briefing Schedule in response to Plaintiff's Motion for Entry of Default Judgment and Entry of Sanctions. Defendant did not reply to OAA's order and the document was returned with a notation (without attribution) that the Defendant had moved.²

² Review of the various documents in the record reveals that the name of Rampart Electric's President, Jeff Dwyer, has been spelled three different ways. The Conciliation Agreement is signed by "Joni Dwyer for" the typed name "Jeff Dwyer." The certificates of service in the Administrative Complaint, the Notice of Docketing and the Order to Show Cause refer to him as "Jeff Dwyer." The certificates of service in the Motion for Judgment on the Pleadings and the R.D. and O. list him as "Jeff Dwyer." The certificate of service in Plaintiff's Motion for Entry of Default Judgment and Entry of Sanctions and OAA's Order to Ensure Service and Establish Briefing Schedule refer to "Jeff Dwyer." All documents refer to him as President of Rampart Electric at 6605 Alberta Drive, Colorado Springs, Colorado. Subsequent inquiries,

I agree with the R.D. and O. and OFCCP's motion for entry of a default judgment and sanctions. Accordingly, I enter this default judgment and order sanctions, including debarment, for the Defendant's breach of its Conciliation Agreement to submit Monthly Manpower Utilization Reports necessary to measure compliance thereunder; its failure to respond to OFCCP's attempts to secure these reports through conciliation and persuasion and to respond to OFCCP's notice of violations; and its repeated failures to participate in the ALJ proceeding. Debarment and other procurement-related sanctions are authorized for both substantive and procedural violations of the Executive Order and implementing regulations. *Uniroyal, Inc. v. Marshall*, 482 F. Supp. 364, 371-75 (D.D.C. 1979); *OFCCP v. Milwaukee Fence Co.*, Case No. 91-OFC-3, Sec. Dec. and Fin. Admin. Ord., Oct. 6, 1992, slip op. at 1-4; *OFCCP v. Disposable Safety Wear Inc.*, Case No. 92-OFC-11, Sec. Dec. and Fin. Admin. Ord., Sept. 29, 1992, slip op. at 1-6, 13.

Accordingly, I make the following ORDER:

1. All federal contracts and subcontracts and federally assisted construction contracts and subcontracts of Defendant, Rampart Electric, Inc., its successors, officers, agents, servants, employees, direct or beneficial owners, divisions or subsidiaries and those persons acting in concern with them shall be canceled, terminated and suspended; and

2. Defendant, Rampart Electric, Inc., its successors, officers, agents, servants, employees, direct or beneficial owners, divisions or subsidiaries and those persons in active concert or participation with them shall be ineligible for the award of new federal contracts and subcontracts or federally assisted construction contracts or subcontracts or the extension or modification of any such existing contracts or subcontracts.

These sanctions shall be implemented and shall remain in effect until such time as Defendant, Rampart Electric, Inc., its officers, agents,³ servants, employees, direct or beneficial owners, divisions or subsidiaries, successors or assigns, and those persons in active concert or participation with them have satisfied the OFCCP Director, pursuant to 41 CFR 60-1.31, that Defendant is in compliance with the provisions of

including communications with the Colorado Secretary of State, have been unable to locate Mr. Dwyer and/or Rampart Electric.

³ "Officers" and "agents" in this Order include Jeff Dwyer, a/k/a Jeff Dwyer and Jeff Dwyer in various portions of the record.

Executive Order No. 11,246, as amended, and the rules and regulations issued thereunder.

So Ordered.

Washington, DC.
Robert B. Reich,
Secretary of Labor.

Certificate of Service

Case Name: *OFCCP, USDOL v. Rampart Electric, Inc.*

Case No: 89-OFC-14.

Document: Final Decision and Order of Debarment and Related Sanctions.

A copy of the above-referenced document was sent to the following persons on September 11, 1995.

Kathleen Gorham,

Certified Mail

Jeff Dwyer, President, (a/k/a/ Jeff Dwyer, Jeff Dryer), Rampart Electric, Inc., 6605 Alberta Drive, Colorado Springs, CO 80910

Corporation Section, Colorado Secretary of State, 1560 Broadway, Suite, 200, Denver, CO 80202

Business Regulation Unit, Colorado Attorney General, 1525 Sherman Street, 5th Fl., Denver, CO 80203

Legal Services Unit (Public Contracts), Colorado Attorney General, 1525 Sherman Street, 5th Fl., Denver, CO 80203

Tedrick A. Housh, Jr., Regional Solicitor/USDOL, 1585 Federal Bldg., 1961 Stout Street, Denver, CO 80294, Attn: Henry C. Mahlman, S. Lorrie Ray

Hand Delivered

James Henry, Associate Solicitor, Civil Rights Division/SOL, U.S. Department of Labor, Room N-2464, 200 Constitution Avenue, NW., Washington, DC 20210

Heidi Finger, Esq., Willie Alexander, Esq., Civil Rights Division/SOL, U.S. Department of Labor, Room N-2464, 200 Constitution Avenue, NW., Washington, DC 20210

Diane A. Heim, Esq., Heather A. Joys, Esq., Civil Rights Division/SOL, U.S. Department of Labor, Room N-2464, Washington, DC 20210

Regular Mail

Hon. John M. Vittone, Acting Chief Administrative Law Judge, Office of Administrative Law Judge, 800 K Street, Suite 400, Washington, DC 20001-8002

[FR Doc. 96-5048 Filed 3-4-96; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

Washington State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for