

Programs, 201 Varick Street, Room 750, New York, NY 10014

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Thermocor-Kimmins, Incorporated, Debarment

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of Debarment, Thermocor-Kimmins, Inc.

SUMMARY: This notice advises of the debarment of Thermocor-Kimmins, Inc. (hereinafter "Thermocor"), as an eligible bidder on Government contracts and subcontracts and federally-assisted construction contracts and subcontracts. *The debarment is limited to asbestos abatement and demolition work; Thermocor may continue to bid on remediation of hazardous waste and contaminated waste.* 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., N.W. Room C-3325, Washington, D.C. 20210 ((202) 219-9430).

SUPPLEMENTARY INFORMATION: On December 21, 1994, pursuant to 41 CFR 60-30.31, *et seq.*, the Administrative Law Judge approved of a consent decree which provides: (1) *Thermocor is ineligible for the award of Government contracts or subcontracts for asbestos abatement or demolition work only for at least 180 days*, and thereafter until Thermocor satisfies the Deputy Assistant Secretary for Federal Contract Compliance Programs that Thermocor is in compliance with Executive Order 11246, as amended. *Thermocor will remain eligible to bid on Federal or federally-assisted contracts which are for remediation of hazardous waste or contamination.* A copy of the Consent Decree is attached.

Signed January 5, 1995, Washington, D.C.

Shirley J. Wilcher,

Deputy Assistant Secretary For Federal Contract Compliance Programs.

United States Department of Labor, Office of Federal Contract Compliance Programs, Plaintiff, Kimmins Abatement Corporation and Kimmins Environmental Service Corporation, Defendants

Consent Decree

[Case No. 94-OFC-20]

This Consent Decree is entered into between the Plaintiff, United States

Department of Labor, Office of Federal Contract Compliance Programs (hereinafter "OFCCP"), and Defendants Kimmins Abatement Corporation ("KAC") and Kimmins Environmental Services Corporation ("KESC"), in resolution of the Administrative Complaint filed by OFCCP pursuant to Executive Order 11246 (30 Fed. Reg. 12319), as amended by Executive Order 11375 (32 Fed. Reg. 14303) and Executive Order 12086 (43 Fed. Reg. 46501) ("Executive Order"). The Administrative Complaint alleged that Defendant violated the terms of a conciliation agreement which was executed by Defendant KAC and OFCCP and which became effective on November 20, 1991.

Part A. General Provisions

1. The record on the basis of which this Consent Decree is entered shall consist of the Complaint and the Consent Decree and the attachments thereto.

2. Attachment A of the Consent Decree consists of the conciliation agreement between OFCCP and KAC which became effective on November 20, 1991.

3. This Consent Decree shall not become final until it has been signed by the Administrative Law Judge, and the effective date of the Decree shall be the date it is signed by the Administrative Law Judge.

4. This Consent Decree shall be binding upon KAC and KESC and shall have the same force and effect as an order made after a full hearing.

5. All further procedural steps to contest the binding effect of the Consent Decree, and any right to challenge or contest the obligations entered into in accordance with the agreement contained in this Decree, are waived by the parties.

6. Subject to the performance of all duties and obligations contained in this Consent Decree, all alleged violations identified in the Administrative Complaint shall be deemed fully resolved. However, nothing herein is intended to relieve Defendants from compliance with the requirements of the Executive Order, or its regulations, nor to limit OFCCP's right to review Defendants' compliance with such requirements, subject to Defendants' rights set forth in paragraph 17b of this agreement.

7. Defendants agree that there will be no retaliation of any kind against any beneficiary of this Consent Decree, or against any person who has provided information or assistance in connection with this Decree.

Part B. Jurisdiction and Procedural History

8. In its initial compliance review of KAC, OFCCP identified violations of the Executive Order 11246 and its regulation by KAC at its Niagara Falls office.

9. On November 20, 1991, OFCCP and KAC entered into a conciliation agreement.

10. The conciliation agreement required KAC to notify outreach groups of available employment opportunities. KAC failed to issue such notification.

11. In addition, the conciliation agreement obligated KAC to submit two annual reports to OFCCP so that OFCCP could monitor the company's compliance with the terms of the conciliation agreement in its Niagara Falls office. KAC failed to timely submit such reports.

Part C. Specific Provisions

1. Debarment Period

12. The Office of Administrative Law Judges shall retain jurisdiction in this case for a period of nine (9) months from the effective date of this Consent Decree.

13. a. KAC and Kimmins Industrial Service Corporation ("KISC") agree not to bid for or enter into future Government contracts or subcontracts for a period of 180 days from the effective date of this Consent Decree.

b. ThermoCor Kimmins ("TK") agrees not to bid on federal or federally assisted demolition or asbestos abatement contracts for a period of 180 days from the effective date of this Consent Decree. It may, however, continue to bid on federal or federally assisted contracts which are for remediation of hazardous waste or contamination.

14. Notice of the debarment shall be printed in the **Federal Register**. In addition, OFCCP shall notify the Comptroller General of the United States General Accounting office and all Federal Contracting Officers that KAC and KISC are ineligible for the award of any Government contracts or subcontracts. TK shall be ineligible for bidding on the type of contracts noted above in paragraph 13b. The notice in the **Federal Register** shall read, with respect to TK, "Limited to demolition and asbestos abatement; hazardous waste and contamination work permitted."

15. The debarment shall be lifted at the conclusion of the 180-day period if KAC, KISC and TK satisfy the Director of OFCCP that they are in compliance with the Executive Order 11246 and its implementing regulations. Such consent