

File

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil Action No. 81-0834-R
v.)	
)	Filed: September 11, 1981
CENTRAL CONTRACTING)	
COMPANY, INC.,)	
)	
Defendant.)	

COMPLAINT

The United States of America, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the defendant named herein and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and this action is instituted under Section 4 of the Sherman Act (15 U.S.C. § 4) in order to prevent and restrain the violation by the defendant, as hereinafter alleged, of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The defendant transacts business and is found in the Eastern District of Virginia.

II

DEFENDANT

3. Central Contracting Company, Inc. is made a defendant herein. Central Contracting Company, Inc. is organized and exists under the laws of the Commonwealth of Virginia and has its principal place of business in Farmville,

Virginia. Within the period of time covered by this complaint, said corporation has engaged in the business of airport runway and taxiway construction in the Commonwealth of Virginia.

4. Whenever in this complaint reference is made to any act, deed or transaction of the defendant, such allegation shall be deemed to mean that the defendant engaged in such act, deed or transaction by or through its officers, directors, agents, employees or representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

III

CO-CONSPIRATORS

5. Various firms and individuals, not made defendants herein, participated as co-conspirators with the defendant in the violation alleged herein and performed acts and made statements in furtherance thereof.

IV

TRADE AND COMMERCE

6. Richard Evelyn Byrd International Airport (hereinafter referred to as "Byrd Airport"), Richmond, Virginia, is a part of the nationwide system of airports which serves the demands of interstate commerce, the postal service and national defense. Byrd Airport has a system of paved runways and taxiways on which aircraft carrying passengers, cargo and mail in interstate commerce land and takeoff. In 1978, approximately 12.8 million pounds of cargo moved through Byrd Airport.

7. From time to time, the Capital Region Airport Commission, the public body that operates Byrd Airport, improves or maintains the airport by contracting for the design and construction of new runways and taxiways, or

the reconstruction of existing runways and taxiways.

8. On or about March 3, 1978, the Capital Region Airport Commission solicited sealed bid proposals from construction contractors for the construction and reconstruction of various runways and taxiways at Byrd Airport, let as of June 26, 1978, by the Capital Region Airport Commission (hereinafter referred to as "Project No. 6-51-0043-08").

9. Pursuant to Virginia law, the Capital Region Airport Commission placed public advertisements and announcements stating the place where prospective bidders for Project No. 6-51-0043-08 could examine the plans and specifications for the project and the time and place where bids for the project would be opened. The Capital Region Airport Commission was required by Virginia law to award Project No. 6-51-0043-08 to the lowest responsible bidder.

10. Under the Airport and Airway Development Act of 1970, Title 49, United States Code, Sections 1701 et seq., the United States of America, through its agency, the Federal Aviation Administration, furnishes portions of the funds needed to pay certain allowable airport construction project costs. Project No. 6-51-0043-08 was potentially qualified for partial federal funding and was eventually funded to the extent of 90 percent of costs by the United States of America.

11. Project No. 6-51-0043-08 required construction contractors to submit sealed bids for the furnishing of labor, equipment and materials for the construction, reconstruction and lighting of specified taxiways and runways at Byrd Airport. The project specifications required

that the successful bidder supply quantities of portland cement, underground electrical cable, conduit, ducts, taxiway lights, electrical manholes, fuses, switches, regulators, transformers, steel reinforcing bars and other building supplies and materials in performing the subject construction.

12. During the construction of Project No. 6-51-0043-08, such building supplies and materials were shipped regularly and continuously in an uninterrupted flow of interstate commerce for sale and installation in Project No. 6-51-0043-08.

13. The runways and taxiways constructed and reconstructed in Project No. 6-51-0043-08 are a part of the interstate system of airports and are used by aircraft which move in a continuous and uninterrupted flow of interstate commerce.

14. During all times material to this complaint, the activities of the defendant and co-conspirators, as described in part herein, were within the flow of, and had a substantial effect upon interstate commerce.

V

VIOLATION ALLEGED

15. Beginning sometime in or about March, 1978, and continuing thereafter, the exact dates being unknown to the United States, the defendant and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce, in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

16. The aforesaid combination and conspiracy consisted of an agreement, understanding and concert of action among the defendant and co-conspirators, a substantial term of which was to submit collusive, noncompetitive and rigged bids to the Capital Region Airport Commission in connection with Project No. 6-51-0043-08.

17. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators have done those things which, as hereinbefore charged, they combined and conspired to do, including among other things:

- (a) Discussing the submission of prospective bids on Project No. 6-51-0043-08 to the Capital Region Airport Commission;
- (b) Submitting intentionally high or complementary bids on Project No. 6-51-0043-08 to the Capital Region Airport Commission; and
- (c) Submitting false, fictitious and fraudulent information to explain to an agent of the Capital Region Airport Commission the basis for a bid submitted for Project No. 6-51-0043-08.

VI

EFFECTS

18. The aforesaid combination and conspiracy alleged herein had the following effects, among others:

- (a) The price of Project No. 6-51-0043-08 was fixed, maintained and established at an artificial and noncompetitive level; and
- (b) The Capital Region Airport Commission and the United States of America were denied the benefits of free and open competition for Project No. 6-51-0043-08.

PRAYER

WHEREFORE, plaintiff prays:

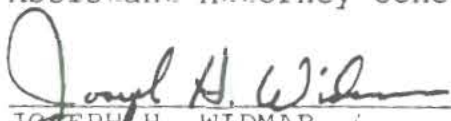
1. That the court adjudge and decree that the defendant and co-conspirators engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act, as alleged in this complaint.

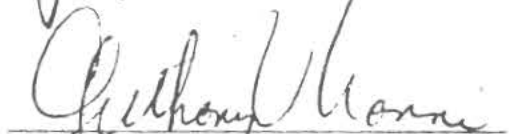
2. That the defendant, its officers, directors, agents, employees, representatives, successors, assigns and all persons acting or claiming to act on defendant's behalf, be perpetually enjoined from continuing, maintaining or renewing the aforesaid combination and conspiracy as alleged in this complaint and from engaging in any other combination, conspiracy, agreement or understanding having similar purposes or effects.

3. That the plaintiff have such other and further relief as the nature of the case may require and the court may deem just and proper.

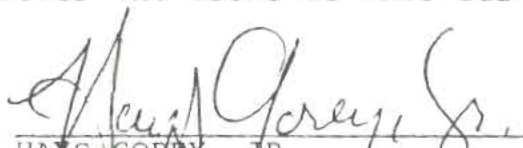
4. That the plaintiff recover the costs of this suit.


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