

Testimony of:

Mario Burgos on behalf of Associated Builders and Contractors

Chief Strategy Officer

Prairie Band LLC

Albuquerque, New Mexico

U.S. House Committee on Small Business

Chairman Williams, Ranking Member Velazquez and Members of the U.S. House Committee on Small Business:

Thank you for the invitation to testify this morning on the impact the U.S. Department of Labor's rulemaking is having on job creators across the country and the concerns that recent federal regulations have raised during my small business journey.

My name is Mario Burgos, and until July of this year, I was the president and CEO of Burgos Group, headquartered in New Mexico. This is a company I founded in 2006 and grew along with my brother as a small business federal contractor, primarily focused on general and electrical construction. In July, we made the decision to sell our company to Prairie Band LLC, a company

When I first learned that the DOL was going to do a comprehensive regulatory review and revise

On Dec. 22, 2020, Burgos Group received a letter from the DOL notifying us that we had been “scheduled for a compliance review to determine compliance with the provisions of the Fair

On Sept. 1, 2021, we were required to consent to the DOL request that until we had resolved the matter by agreement—or determined that it cannot be resolved by agreement—the government may as if in trust hold back from payments due but not yet paid by the federal government on the project in an amount from those payments that will equal the amount in dispute: \$685,914.28.

By Dec. 9, 2021, the DOL had requested more information, conducted further analysis and determined that our company now owed more funds and asked us to “agree to front the amount of \$990,351.80 until an agreement or ruling is reached.” Part of the DOL rationale for noncompliance with the DBA was that they had analyzed our subcontract language with the prime contractor and noted that it included switchgear, transformers, light poles and pulling wire. It was their determination that the language of the contract spelled out electrical work, but thei(t)-6.6 ()11.25th a

