



U.S. DEPARTMENT OF
TRANSPORTATION

Federal Highway Administration

Notice

Subject

DEBARMENT FROM FEDERAL NONPROCUREMENT PROGRAMS

Classification Code
N 2000.623

Date
March 4, 2008

OPI
HIPA-30

1. **What is the purpose of this Notice?** This Notice cancels Federal Highway Administration (FHWA) Notice [N 2000.603](#), issued on August 23, 2007, and serves to advise that the FHWA has made a decision concerning the proposed debarment of the following individual as stated in paragraph 2a.

Edgar Trey Simmons
110 Cardinal Drive
Rockwell, NC 28138

2. **What action has been taken?**

- a. The FHWA has decided to debar the individual cited above retroactive from the date of his suspension for a period of 1 year; **DEBARMENT EXPIRES: July 27, 2008.**
- b. The individual cited above has been notified in writing of this decision.

3. **What is the scope of this action?**

- a. The individual cited above is prohibited from being a participant or principal in any covered transaction as described in 49 CFR Part 29, Subpart B. Generally, the individual is prohibited from submitting a proposal for, or entering into, a covered transaction, or participating in a covered transaction as an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or one who has critical influence on or substantive control over the transaction, whether employed by a person who submits a proposal for, or enters into a covered transaction, including both procurement and nonprocurement transaction between an agency and a person. This debarment is effective throughout the Executive Branch of the Federal Government.
- b. As stated in 49 CFR 29.110, this debarment is consistent with the Federal Government's policy of using the discretionary action of debarment to conduct business only with responsible persons and companies, and to protect the public interest, the Federal Government, and the integrity of Federal programs.

4. **What is the cause for this debarment?**

- a. On or about October 2, 2006, APAC-Atlantic, Inc., entered into a \$2.25 million civil settlement with the United States Department of Justice and the North Carolina Department of Transportation for falsifying asphalt tests. An internal APAC-Atlantic, Inc., investigation and a United States Department of Transportation (DOT) Office of the Inspector General's investigation into the falsifying of asphalt tests indicated that Edgar Trey Simmons participated in this improper conduct.

- b. Pursuant to 49 CFR Part 29, Edgar Trey Simmons has committed an act that is cause for suspension and proposed debarment. Specifically, the FHWA believes that Edgar Trey Simmons's participation in falsifying asphalt tests constitutes sufficient cause for suspension and proposed debarment.
- c. Because Edgar Trey Simmons failed to respond to his July 27, 2007, proposed debarment notification letter within 30 days, he has waived his right to contest the debarment action.
- d. After considering the serious nature of this act, the FHWA has decided that Edgar Trey Simmons poses a risk to the Federal Government and that it is in the best interest of the Federal Government that he be debarred for a period of 1 year. As stated above, his debarment will expire on **July 27, 2008**.
- e. This debarment has been taken in accordance with 49 CFR Part 29.



King W. Gee
Suspending & Debarring Official

Related Sites:

[Notice N 2000.603](#)
[FHWA Order 2000.2A](#)
[DOT Order 4200.5D](#)
[Executive Order 12549](#)