

U.S. DEPARTMENT OF LABOR
Wage and Hour and Public Contracts Divisions
Washington, D. C. 20210

February 12 1970

SCA 303.3

This is in further reference to your letter of December 10, 1969, requesting an opinion on the application of the Service Contract Act to agency agreements between your client and various military base exchanges for the sale of tailor-made or made-to-measure uniforms to personnel attending officer candidate school on the military base.

For several years, the Department has considered all agency type agreements with military base exchanges to be contracts principally for service subject to this law. However, upon careful reconsideration of all the facts involved, we would now agree that under the circumstances described in your letter, the principal purpose of the contracts into which you have entered is not the furnishing of services through the use of service employees but rather the sale of goods. Consequently, we would not consider these contracts subject to the Service Contract Act.

We are notifying our local office of this conclusion.

Sincerely,

/s/ Robert D. Moran

Administrator

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