

## SCA-100

July 12, 1972

This is in reference to your recent telephone conversations with \*\*\* my staff concerning the mess attendant food service contract at Keesler Air Force Base, Mississippi.

As we understand the situation, the contracting officer intends to extend the term of the existing contract for these services for an additional 60 days. Pursuant to SF-98 Notice No. 789,628 submitted with respect to the recompeting (or renegotiation) of the follow-on contract, the Department of Labor responded with Service Contract Act Wage Determination 67-373 (Rev. 8). However, we now understand that the contracting officer does not contemplate including this currently effective wage determination in the referenced extension of the existing contract.

It is the position of the Department of Labor that when the term of an existing contract is extended, pursuant to an option clause or otherwise, so that the contractor furnishes services over an additional period of time (regardless of the length of time of such extension), rather than being granted extra time to fulfill his original contractual commitments, a "new" contract will have been deemed entered into for purposes of the Service Contract Act and any applicable wage determination issued thereunder should be included therein. See sections 4.143 and 4.145 of Regulations, 29 CFR Part 4.

Thus, in the instant situation, it is our position that Wage Determination 67-373 (Rev. 8), copy enclosed, should be made applicable to the extension of the existing contract.

This advice has the concurrence of the Solicitor of Labor.

Sincerely,

Horace E. Menasco  
Deputy Assistant Secretary