

SCA-9

April 20, 1978

This is in response to your SF-98, Notice No. A 103958, calling for repairs and modifications of a marine vessel.

Based on the information provided in your SF-98, the proposed contract would be subject to the Davis-Bacon Act rather than the Service Contract Act. The Davis-Bacon Act applies to Federally financed contracts in excess of \$2,000 for the construction, alteration, and/or repair, including painting and decorating, of a public building or a public work. Marine vessels have historically been considered to be public works within the meaning of the Davis-Bacon Act.

As set forth in section 4.4(a) of Regulations, 29 CFR Part 4, SF-98s are required to be submitted at least 30 days prior to the date of solicitation. Since your SF-98 was not submitted on a timely basis and since the contract clearly appears to be subject to the Davis-Bacon Act, it is requested that your agency take all necessary steps applicable wage decision which should be obtained in accordance with Regulations, 29 CFR Part 1.

Sincerely,

Sylvester L. Green