

SCA-11

May 19, 1978

This is in response to your SF-98, Notice No. A044485, calling for the furnishing and installation of two lighted metal signs.

Based on the information provided in your SF-98, and in a subsequent telephone conversation between*** of our respective offices, the Service Contract Act would not apply to this contract as its principal purpose appears to be the furnishing of tangible products rather than the furnishing of services. (See section 4.134(b) of Regulations, 29 CFR Part 4.) The Walsh-Healey Public Contracts Act, which applies to contracts in excess of \$10,000 for the manufacture or furnishing of materials, supplies, articles or equipment, also would not apply in the instant case since Ms. Foster related that the contract will not exceed this amount. However, as Ms. Foster indicated that the installation of the signs will involve more than an incidental amount of construction-type activity, the installation portion of the contract would be subject to the Davis-Bacon Act.

Accordingly, your SF-98 is returned. Please obtain the appropriate Davis-Bacon wage decision in accordance with the procedures set forth in Regulations, 29 CFR Part 1 and include the Davis-Bacon Act stipulations and applicable wage decision in this contract.

Sincerely,

Sylvester L. Green