

SCA-8

August 4, 1978

As the result of a recent labor standards investigation, it has been brought to our attention that a substantial amount of painting and repair of buildings and facilities is being performed under the referenced contract which only contains the requirements of the Service Contract Act and does not contain the applicable provisions of the Davis-Bacon 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. Further, as explained in ASPR 12-106.1, contracts involving both construction and non-construction work must include the requirements of the DBA if the contract, as in the instant case, contains specific requirements for substantial amounts of construction work.

Although we do not have a complete copy of the contract in question, we have reviewed a copy of the work specifications for this contract. In addition to grounds maintenance, janitorial services, and equipment maintenance, the contract also calls for maintenance and operation of structures. A review of the work called for under the latter specification indicates a substantial amount of construction type work to be performed under this contract. Among other things, this specification calls for exterior painting of the corrugated concrete surface of the reception building and all paintable surfaces of the sewage treatment plant, and the interior painting of one-third of the total buildings' previously painted surfaces. Such painting and other construction activity clearly should have been made subject to the Davis-Bacon Act. Accordingly, it would be appreciated if your office would look into this matter and take appropriate action to see that the Davis-Bacon Act stipulations and applicable wage decision are included in any such future procurement so that the affected employees receive the benefits to which they are entitled under law.

Please inform us of your actions in this matter as soon as possible.

Sincerely,

Dorothy P. Come
Assistant Administrator