

DBRA-61

March 22, 1979

This is in response to your SF-98's, Notice Nos. A627685 and A627686, calling for the overhaul of engines on *** and Engine 671, and drydock work on ***, respectively.

Based on the information provided in your SF-98's, the proposed contracts 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 regarded as 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-98's are required to be submitted at least 30 days prior to the date of solicitation. While we realize the urgency of these procurements, nevertheless, since your SF-98's were not submitted on a timely basis and since the contracts clearly appear to be subject to the Davis-Bacon Act, it is requested that your agency take all necessary steps to include in these contracts the Davis-Bacon Act stipulations and applicable wage decision which should be obtained in accordance with Regulations, 29 CFR Part 1.

Sincerely,

Dorothy P. Come
Assistant Administrator