

DBRA-36

June 4, 1979

This is in response to your SF-98, Notice No. *** calling for the above-ground treatment of standing wood poles and crossarms on energized power transmission lines.

Based on the information provided in your SF-98, and in a subsequent telephone conversation with Greg Foote of my staff, in which you related that the proposed contract is for the spray application of a preservative chemical to poles and crossarms, this 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.

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 to include in this contract 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