

SCA-102

December 31, 1984 (est.)

This is in reply to your October 28 letter concerning our determination that a contract for chiller repair at*** is subject to the Davis-Bacon Act rather than the Service Contract Act. Our determination was issued on October 10 in response to your SF-98, Notice No. A1088017.

As you know, 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. Building systems which are a functional and integral part of the building, such as chillers, boilers, furnaces, central air conditioning, elevators, are considered to be part of the public building. Accordingly, any contract for on-site repair, overhaul, or replacement, whether planned or emergency, of such systems would be subject to the provisions of the Davis-Bacon Act.

For your information, the Service Contract Act applies to contracts for scheduled or routine maintenance of building systems to include such operations as filter changing, oiling and greasing, gas or fluid replacement or loading, and cleaning. Such contracts are generally awarded on an annual basis calling for scheduled maintenance or troubleshooting (inspection) checks throughout that year.

Sincerely,

Sylvester L. Green