

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

WASHINGTON 25

SEP 23 1961

MEMORANDUM # 26

TO: AGENCIES ADMINISTERING STATUTES REFERRED TO IN 29
CFR, SUBTITLE A, PART 5.

FROM: James M. Miller
Assistant Solicitor

SUBJECT: Opinions on application of the Davis-Bacon and related
Acts.

Enclosed with previous covering memoranda, copies of opinions on the application of the Davis-Bacon and related Acts were furnished you for information and guidance in your enforcement programs under those Acts.

We are now enclosing a copy of a recent opinion on this same general subject, which we are sure will be of further interest and assistance to you.

Enclosure

Mr. Mangan ✓
Mr. Taylor ✓
Mr. Gregory ✓
Mr. Taylor ✓
Greers Spring, Ark

Davis Bacon Act ✓
Davis & Dist ✓

Denver R.O.

DEC 5 1984

RECEIVED
DEC 12 1984
WAGE HOUR

Dear

This refers to RFP F04704-84-R0045 recently issued by Norton Air Force Base for "Assembly and Checkout of Peacekeeper Missile in Minuteman Silos".

Mr. Robert A. Georgine, President of the Building and Construction Trades Department, AFL-CIO, has advised us that the missile silo modification work involved in this RFP has been classified by the Air Force as heavy construction for purposes of Davis-Bacon wage determinations and that WY84-5009 is incorporated therein.

Construction work of any type on missile silos has historically been characterized as building construction. This long standing policy, for instance, was set forth in Opinion Letter of Solicitor of Labor No. DB-11, dated August 29, 1961 (copy enclosed). Moreover, we are unaware of any construction practice information that would support a different conclusion. In the absence of any such information, it is our position that the RFP described above should incorporate Wage Determination WY83-5114. Your assistance in ensuring that this action is taken will be appreciated. This decision for building construction was published in the Federal Register on July 15, 1983 with modifications thereto published on July 29, 1983, August 12, 1983 and August 3, 1984. A copy of this letter is being forwarded to Mr. Georgine.

Sincerely,

JAMES L. VALIN

William M. Otter
Administrator

