

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

April 27, 1971

MEMORANDUM #94

TO: ALL GOVERNMENT CONTRACTING AGENCIES OF THE FEDERAL
GOVERNMENT AND THE DISTRICT OF COLUMBIA

SUBJECT: REINSTATEMENT, FOR CONSTRUCTION CONTRACTS NOT YET
ENTERED INTO, OF DAVIS-BACON PROVISIONS ON PROJECTS
FOR WHICH BIDS OR PROPOSALS WERE SOLICITED DURING
THE PERIOD OF THE ACT'S SUSPENSION

As stated in the all-agency memorandum No. 93 of April 6, 1971
from the Under Secretary of Labor, Proclamation 4040 of the
President issued on March 29, 1971 revoking Proclamation 4031
which suspended the Davis-Bacon Act's application to construction
contracts entered into on or after February 23, 1971 -

is prospective in its application . . . and in no way does
it prevent any resolicitation otherwise authorized of bids
or proposals after such date, in which event the Davis-Bacon
requirements will become applicable to the procurement if it
is of a character to which they would otherwise apply, and
the contract entered into as a result of the resolicitation
will not be affected by the previous suspension.

It has been brought to our attention that a number of agencies
have pending procurement actions for construction projects on
which bids or proposals were solicited without Davis-Bacon wage
payment provisions during the period from February 23 to March
29, inclusive, as a result of the suspension by Proclamation
4031, and to which the Davis-Bacon Act, except for the effect
of the suspension, would be applicable.

For the further guidance of the agencies of the Federal Govern-
ment and the District of Columbia with respect to these pending
procurement actions, the President has asked me to explain that
in the case of contracts not yet entered into as a result of the
solicitation of bids or proposals during the period when Procla-
mation 4031 was effective, each agency should, if it can do so

76

legally and without undue hardship, take such action to accomplish a resolicitation of bids or proposals as is authorized under the governing procurement laws and regulations and is most appropriate to effect a reinstatement of the application of the Davis-Bacon provisions to the proposed contract work.

A handwritten signature in black ink, appearing to read "J. S. Hodgson". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

Secretary of Labor