



AUG 6 1990

MEMORANDUM NO. 153

TO: All Government Contracting Agencies of the
Federal Government and the District of Columbia

FROM: *Samuel D. Walker*
SAMUEL D. WALKER
Acting Administrator

SUBJECT: Application of the Davis-Bacon Act to Contracts
for Asbestos and/or Paint Removal

This memorandum clarifies the application of Government contract labor standards coverage to contracts calling for asbestos or paint removal from public buildings or public works and structural components thereof. We have learned that some contracting agencies are incorporating the Davis-Bacon Act (DBA) requirements in these contracts while others are including the McNamara-O'Hara Service Contract Act (SCA) requirements. To ensure greater consistency, we are providing unitary guidance on the subject.

The DBA 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. The SCA applies to Government contracts, the principal purpose of which is the furnishing of services through the use of service employees.

We have determined, after substantial review, that removal of asbestos or paint from public buildings or public works constitutes building alteration within the statutory language of DBA because asbestos or paint removal clearly alters those buildings or works, regardless of whether subsequent reinsulating or repainting is being considered. This view is consistent with previous determinations that contracts for sandblasting or hydrostatic cleaning of public buildings are subject to DBA.

Accordingly, any Federal or District of Columbia contract in excess of \$2,000 that calls for asbestos or paint removal is subject to DBA and must include its stipulations and the applicable wage decision.