

Prevailing Wage Opinion Letter 2001 01 – 07.10.01

Opinion Letter
PW-2001-01-07.10.01
July 10, 2001

Re: Prevailing wage rates; XXX South Regional Community Health Center, Inc. Construction of the Community Recreation Center

This letter responds to your request of the Division of Occupational Safety (“DOS”) to determine if the requirements of the Massachusetts prevailing wage law (M.G.L. c. 149, sec. 26-27H) apply to the Construction of the Community Recreation Center.

As stated in your letter, the XXXX South Regional Community Center, Inc. is a non-profit 501(C)(3) organization and will be building a Community Recreation Center on private land to be used by area residents. You also state that XXXX South has raised \$5 million from private funds with a 5-to-1 Commonwealth of Massachusetts state match of \$1 million, line item 1599-0052 as awarded in the Massachusetts State Supplemental Fiscal Year 2001 budget, Chapter 236 of the Acts of 2000. This matching award does not adopt the requirements of the prevailing wage law on projects performed with the grant fund.

Given that a non-profit corporation, XXXX South Regional Community Center, Inc. will be building a Community Recreation Center on private land, the requirements of the prevailing wage law do not apply. No public work or public awarding authority is involved. Furthermore, the granting of matching public funds in the Massachusetts State Supplemental Fiscal Year 2001, Chapter 236 of the Acts of 2000, does not extend the requirements of the prevailing wage law to the private parties involved or adopt its provisions as a pre-condition for using the funds for construction.

If I may be of any further assistance to you on this matter, please do not hesitate to contact me.

Sincerely,
Ronald E. Maranian
Program Manager