

SPENCER C. DEMETROS  
GENERAL COUNSEL

*The Commonwealth of Massachusetts*  
*Department of Labor and Industries*  
*Office of the General Counsel*  
*Severell Totten Building, Room 1107*  
*100 Cambridge Street, Boston, Mass. 02202-0003*

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Tel: (617) 727-3452  
Fax: (617) 727-8022

BY FAX AND U.S. MAIL

Christopher L. Noble, Esq.  
Hill & Barlow  
One International Place  
Boston, MA 02110

Prevailing Wage Law; Soil Boring

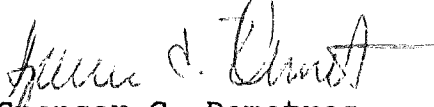
Dear Mr. Noble:

During our telephone conversation of this morning, you informed me that you represent various architectural and design firms which prepare contract specifications which include soil exploration and boring operations. It has been brought to my attention that many architectural and design firms are unaware that the requirements of Massachusetts's prevailing wage laws apply to these operations when performed in connection with public works construction projects.

Mass. Gen. Laws ch. 149, § 27D makes clear that, among other things, "work done preliminary to the construction of public works, namely, soil explorations, test borings and demolition of structures incidental to site clearance and right of way clearance" are subject to the prevailing wage requirements of §§ 26 through 27C. Failure to comply with the Commonwealth's prevailing wage laws constitutes a criminal violation which is punishable by a fine or imprisonment.

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I would appreciate it if you would pass this information along to your clients. If you have any questions regarding this matter, do not hesitate to call me.

Very truly yours,

  
Spencer C. Demetros  
General Counsel  
Dept. of Labor and Industries