

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
DIVISION OF OCCUPATIONAL SAFETY

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DEPUTY DIRECTOR

August 12, 1999

Francis X. Flaherty, Jr.  
Asst. Attorney General  
Office of the Attorney General  
200 Portland Street  
Boston, MA 02114

Dear Chip,

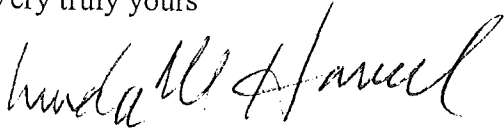
You have asked me to determine whether the prevailing wage law applies to the Invitation for Bids issued by Barnstable County on May 17<sup>th</sup>, 1999 (the "IFB"). The specifications included in the IFB state that the county is soliciting bids for "a service contract to perform electrical work".

Mass. Gen. L. ch. 149, sec. 26 requires that the prevailing wage be paid to "mechanics and apprentices, teamsters, chauffeurs and laborers in the construction of public works by . . . a county". Electricians have long been considered "mechanics and apprentices" by the Division of Occupational Safety and its predecessor. The Barnstable County Complex Buildings are clearly "public works" for purposes of the prevailing wage law. The prevailing wage law defines the term "construction" to include "additions to and alterations of public works", see Mass. Gen. L. ch. 149, sec. 26D, and almost all of the work performed by electricians constitutes "additions to and alterations of public works".

For the foregoing reasons, sections 26 and 27 of the prevailing wage law apply to the County's IFB.

Please feel free to call me if you have any further questions about this matter.

Very truly yours

A handwritten signature in cursive script, appearing to read "Linda M. Hamel".

Linda M. Hamel  
General Counsel  
Division of Occupational Safety  
(617)-727-3452

cc: Robert Troy, Esq.  
Counsel for Barnstable County

Robert Prezioso  
Deputy Director  
Division of Occupational Safety

Barbara Piselli, Esq.  
Chief  
Fair Labor and Business Practices Division