

September 1, 1999

Ms. Carmela L. Courtemarche
Treasurer
Data Fire Systems, Inc. d/b/a/ FDS
69 Westech Drive
Tyngsboro, MA 01879

Dear Ms. Courtemarche,

I have been asked by Deputy Director Robert Prezioso to respond to your letter dated August 17, 1999 and addressed to Steve Falcone. In your letter you state that you believe that Mr. Falcone stated to you during a telephone conversation that "prevailing wage rates did not apply to the testing and inspection of fire alarm systems, only to repair, maintenance or installation" of such systems.

Under Mass. Gen. L. ch. 149, sec. 26 and 27, the prevailing wage law applies to "construction" of public works. Section 27D of the prevailing wage law defines "construction" to include "additions to and alterations of public works". Therefore, activities related to fire alarms and fire alarm systems which result in additions to and alterations of public works, such as repair and installation of such alarms and systems, constitute public works construction and are subject to the prevailing wage law. By comparison, activities related to fire alarms and fire alarm systems which do not result in additions to or alterations of public works, such as the testing and inspection of such systems, do not constitute public works construction and are therefore not subject to the prevailing wage law. Because maintenance activities may or may not result in additions to or alterations of public works, some maintenance activities will be subject to the prevailing wage law, and some will not.

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

Very truly yours

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

cc: Robert Prezioso
Deputy Director
Division of Occupational Safety