



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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JANE SWIFT
LIEUTENANT GOVERNOR

ANGELO R. BUONOPANE
DIRECTOR

ROBERT J. PREZIOSO
DEPUTY DIRECTOR

August 24, 2000

James E. Morrissey
Tessier Associates, Inc.
1578 Riverdale St.
West Springfield, MA 01089

Re: Prevailing Wage Rates For Painters; Drury High School, North Adams, MA

Dear Mr. Morrissey:

This letter responds to your request for information concerning the proper occupational classifications for painters who will work on the Drury High School Project in North Adams, MA (bid specifications dated July 1, 2000).

As you know, there are several occupational classifications for painters listed on the prevailing wage schedule issued for the project and included in the bid specifications. As required by M.G.L. ch. 149, § 27, those occupational classifications (and corresponding rates of wages) are established based on the collective bargaining agreement between the Associated Painting, Decorating & Drywall Finishing Contractors of Massachusetts, Inc. and Painters and Allied Trades District Council #35 (copy attached). In that agreement, as on the prevailing wage schedule, certain painting activities are distinguished by the method of applying paint, such as spray painting versus brush painting, and other painting activities are distinguished by the condition of the surface to be painted, such as new building components versus building components already painted. That agreement also states that the new construction rates should be used on projects where 30% or more of the surfaces to be painted are new construction.

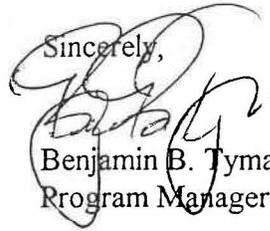
If, in your estimation, 30% or more of the surfaces to be painted on this project are new construction, you should instruct bidders to use either of the two occupational classifications for painting on new projects, or a combination of both, depending on whether paint will be applied with a sprayer or by brush. If, on the other hand, less than 30% of the surfaces to be painted on this project are new construction, bidders may use the repaint rate for either brush work or spraying, or a combination of both.

Please be advised that all future prevailing wage rate schedules issued by DOS will reflect this distinction between new construction and repaint rates.

The painting activities listed in the bid specifications are varied and extensive, and may require contractors to use more than one of the occupational classifications listed on the prevailing wage schedule, depending on how they propose to complete the work. A qualified bid should accurately reflect the painting activities proposed by the contractors. Furthermore, when the project is ongoing, contractors must accurately record the hours worked by each employee in each occupational classification in order to pay them properly and maintain accurate payroll records.

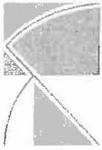
I hope these general guidelines are helpful. If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Benjamin B. Tymann
Program Manager

cc: Robert J. Prezioso, Deputy Director
Linda Hamel, General Counsel
Daniel Field, Office of the Attorney General



TESSIER ASSOCIATES, INC.
ARCHITECTURE and INTERIOR DESIGN

1578 RIVERDALE STREET
WEST SPRINGFIELD, MA 01089
413-736-5857 FAX:413-736-2757

9 August 2000

The Commonwealth of Massachusetts
Division of Occupational Safety
399 Washington Street 5th Floor
Boston, MA 02108



**RE Addition and Renovations
Drury High School
North Adams, Ma.**

Gentlemen:

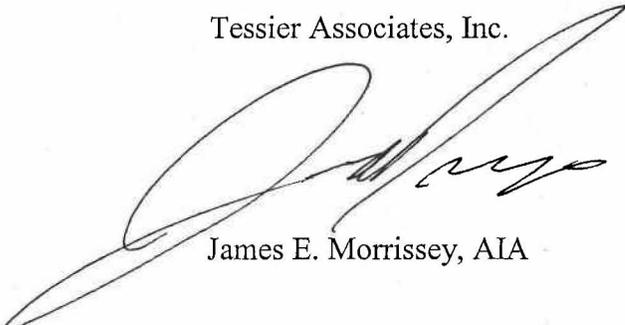
On 17 July 2000 you forwarded us copies of the wage rates for the above-mentioned project, which we incorporated into the specifications and sent the project out to bid. Miken Painting, Inc has raised a question, letter attached, concerning the rate for painters. Please review their letter and respond to this office.

If an addendum is necessary, we will have issued it by 20 August 2000.

Thank you.

Very truly yours,

Tessier Associates, Inc.


James E. Morrissey, AIA

*By phone
8/11/00*

PC Russ Nubile, Miken Painting

(mc/9912/docs/corr/dept labor painting wages)

MIKEN PAINTING, INC.

90 SARGEANT STREET • HOLYOKE • MASSACHUSETTS • 01040 • (413) 532-4695 FAX (413) 536-9279

August 8, 2000

Tessier Associates
1578 Riverdale Road
West Springfield, MA 01089

ATTN: Jim Morrissey

RE: Drury High School

Dear Sir:

The specifications list different rates of pay for painters. There is a substantial difference in the pay rates. Nothing in the spec book tells the bidders which rate to use. Depending on which rate applies to the project our bid rate could vary almost \$5.00 per hour.

This \$5.00 per hour swing is a two fold problem. The most obvious is depending on which rate is used by each individual bidder, it could easily influence the bid results.

The second problem is if the bidder bases his estimate on the lower rates and it is then determined that he was wrong, a huge amount of wages could be owed to the people who worked on the project.

Another point is that if the contractor figured the higher wages and then paid the lower rates the contractor wins and the employee loses. If the job is not audited, many jobs aren't, nobody would ever know.

I don't care which rate applies to this or any other project. All I want is a level playing field.

Please determine by addendum which rate applies to this project.

Sincerely,



Russell Nubile
RN/tml