

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
**DIVISION OF OCCUPATIONAL SAFETY**  
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**ARGEO PAUL CELLUCCI**  
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**ROBERT J. PREZIOSO**  
DEPUTY DIRECTOR

January 29, 2001

David B. Vine, P.E.  
Nucci-Vine Associates  
253 Low Street, Suite 232  
Newburyport, MA 01950

Re: Prevailing Wage Applicability; Wreck Removals From Gloucester Harbor by the  
Department of Environmental Management

Dear Mr. Vine:

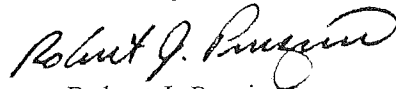
This letter responds to your request for a determination of the applicability of the Massachusetts Prevailing Wage Law, M.G.L. ch. 149, §§ 27 -27D, to a contract for "Wreck Removals Gloucester Harbor" by the Massachusetts Department of Environmental Management (the "contract").

The contract calls for the "removal and disposal of seven derelict vessels" including demolition, site preparation, excavation, site restoration, and other related work (see Section 02000.02 A and B, and Section 02100.01 A of the contract).

The Massachusetts Prevailing Wage Law applies to this contract because the work falls squarely within the statute's definition of construction. See M.G.L. ch. 149, § 27D, which reads, in relevant part, "construction ... shall include ... [the] demolition of structures incidental to site clearance and right of way clearance; and the demolition of any building or other structure ordered by a public authority for the preservation of public health or public safety."

Attached are the appropriate wage schedules to be included in the bid packages for this contract. If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Prezioso". The signature is fluid and cursive, with a large, stylized initial "R".

Robert J. Prezioso  
Deputy Director

cc: John Volk, Acting General Counsel  
Daniel S. Field, Office of the Attorney General