



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

ANGELO R. BUONOPANE
DIRECTOR

ROBERT J. PREZIOSO
DEPUTY DIRECTOR

July 3, 2001

Mr. Brian D. Kelliher
Murphy, Hesse, Toomey & Lehane, LLP
Crown Colony Plaza
300 Crown Colony Drive, Suite 410
P.O. Box 9126
Quincy, MA 02169-9126

Re: Prevailing wage rates; Manet Community Health Center, Inc.
Building Renovation Project at Hull, MA.

Dear Mr. Kelliher:

This letter responds to your request of the Division of Occupational Safety ("DOS") to determine if the requirements of the Massachusetts prevailing wage law (M.G.L. c. 149, sec. 26-27H) apply to the renovation of a building located in Hull, MA, which is owned by the Hull Medical Center, Inc.

As stated in your letter, the Manet Community Health Center, Inc. is a non-profit, tax-exempt corporation organized under the laws of Massachusetts and will receive grant money from the Massachusetts Executive Office of Health and Human Services, Division of Health Care Finance and Policy, pursuant to Chapter 236 of the Acts of 2000, and from a private lender. You also state that Manet Community Health Center, Inc. will be leasing the property in Hull, MA from Hull Medical Center, Inc., also a non-profit, tax-exempt corporation. Once the community health center is completed, it will be operated and managed exclusively by Manet Community Health Center, Inc.

You have also included a copy of the grant award letter from Louis I. Freedman, Commissioner for the Massachusetts Executive Office of Health and Human Services, Division of Health Care Finance and Policy. In that letter, the Division of Health Care Finance and Policy sites two regulations that must be followed by the grant recipient: 114.5 CMR 9.00 to CMR 9.09 (7), Criteria and Procedures for Awarding One-time Grants for Community Health Centers; and Comptroller's regulation 815 CMR 2.05. Neither of these regulations adopts the requirements of the prevailing wage law on projects performed with grant funds, nor does Chapter 236 of the Acts of 2000.



Given that a private corporation, the Manet Community Health Center, Inc. will be performing the work in a private building owned by Hull Medical Center, Inc., the requirements of the prevailing wage law do not apply. No public work or public awarding authority is involved. Furthermore, the granting of public funds pursuant to chapter 236 of the Acts of 2000 does not extend the requirements of the prevailing wage law to the private parties involved or adopt its provisions as a pre-condition for using the funds for construction.

If I may be of any further assistance to you on this matter, please do not hesitate to contact me.

Sincerely,



Ronald E. Maranian
Program Manager

cc: Robert J. Prezioso, Deputy Director, DOS
Kathryn Palmer, General Counsel, DOS
Daniel S. Field, Office of the Attorney General
