

Prevailing Wage Opinion Letter 06-05-07

I am writing in response to your request for this Office's written opinion regarding the applicability of the Massachusetts Prevailing Wage Law, G.L. c. 149, §§26-27. Specifically, you have asked if the prevailing wage law applies to persons performing certain well cleaning, redevelopment, and testing work.

As I understand it, municipalities routinely contract for well cleaning and redevelopment (a process to remove encrustation and material build-up in the wells) in order to maintain well capacity. The type of equipment used will vary depending on the size of the well. Smaller diameter wells (2.5 inch) may be cleaned using hand-held scrapers and wash-rods to remove and flush out any deposits. Small pumps are then used to air shock the well to dislodge fine soils and debris in the well redevelopment phase. Larger diameter wells will require pump removal prior to repair or redevelopment work. A crane will remove the pump that will be disassembled, cleaned and inspected off-site. During the well redevelopment phase, a truck-mounted cable tool rig will raise and lower a redevelopment pump inside the well.

The Massachusetts prevailing wage law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. G.L. c. 149, §§26, 27. The term "construction" is defined, in pertinent part, as "additions to and alterations of public works." G.L. c. 149, §27D. Given this definition, the on-site pump removal, reinstallation and redevelopment work performed on larger diameter wells would require the payment of prevailing wages. [\[1\]](#) The cleaning and redeveloping of smaller diameter wells as described above would not constitute construction and would not require the payment of prevailing wages.

Finally, please note that any testing performed in connection with an installation or repair project requires the payment of prevailing wage rates. However, prevailing wages are not required for routine testing not associated with installation, alteration, or repair work.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,
Lisa C. Price
Deputy General Counsel

[\[1\]](#) Work done off-site, such as disassembly, cleaning and inspection done at the contractor's shop, would not require the payment of prevailing wages.