

## **Prevailing Wage Opinion Letter-08-07-03**

August 7, 2003

Re: Applicability of Massachusetts Prevailing Wage Law to  
Boston Public Health Commission

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, to the Boston Public Health Commission (BPHC).

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. Section 3(a) of the BPHC's enabling statute, Chapter 147 of the Acts of 1995, states that BPHC is a "political subdivision of the commonwealth." That section further states that "[t]he commission is hereby constituted a public instrumentality and the exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential public function." Id. This section makes it clear that BPHC is a political subdivision of the commonwealth, and as such, is subject to the prevailing wage law. [\[1\]](#)

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[\[1\]](#) The absence of a specific reference to G.L. c. 149 within an enabling statute is not controlling - many public entities are subject to the prevailing wage law without such a reference.