

The Commonwealth of Massachusetts
DEPARTMENT OF LABOR AND INDUSTRIES

DIVISION OF OCCUPATIONAL STATISTICS
100 CAMBRIDGE STREET, 11TH FLOOR
BOSTON, MASSACHUSETTS 02202-0003

ROBERT J. PREZIOSO
Director

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September 9, 1996

Margaret Sullivan, Chief Procurement Officer
Franklin County Commission
425 Main St.
Greenfield, MA 01301-3330

Re: Prevailing wage applicability; Bioengineering and Riverbank Erosion Control for the Connecticut River.

Dear Ms. Sullivan:

This letter responds to your request of the Department of Labor and Industries ("DLI") to determine if the requirements of the Massachusetts prevailing wage law (M.G.L. c. 149, §§ 26 - 27D) apply to the erosion control project referenced above.

As stated in your letter, this project will be a joint venture between Western Mass. Electric Company ("WMECO"), Northeast Utilities Service Company ("NUSC"), and the Franklin County Commission (the "Commission"). This project will involve the stabilization of approximately 730 linear feet of riverbank owned by WMECO and the Connecticut Light and Power Company by traditional bioengineering techniques which include, among other things, the grading of land, the removal of trees, and the installation of plants and other non-living organic materials.

Approximately 60% of this project (\$120,000) will be funded by WMECO and NUSC with the remaining 40% (\$80,000) paid from the U.S. Environmental Protection Agency's ("EPA") Nonpoint Source Competitive Grants Program.

Under this Grants Program, the Commission submitted a grant application to the Mass. Department of Environmental Protection ("DEP") — the agency selected by the EPA to

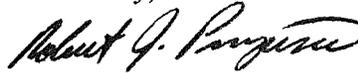
distribute the Nonpoint Source funds in Massachusetts — and was awarded \$80,000 for the project.

Given that WMECO and NUSC are private companies, that the work will be performed on private land, and that the only public money to be used on this project will be EPA money allocated through the Mass. DEP, the requirements of the Massachusetts prevailing wage law do not apply.

This determination is based on the above-mentioned facts and would require further review if the information provided to me were found to be in error or if the underlying facts were amended.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Robert J. Prezioso

cc: Spencer Demetros, DLI General Counsel
Helen Moreschi, Attorney General's Office
Arthur Screpetis, Mass Dept. Of Environmental Protection