

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

April 27, 1971

MEMORANDUM #94

TO: ALL GOVERNMENT CONTRACTING AGENCIES OF THE FEDERAL
GOVERNMENT AND THE DISTRICT OF COLUMBIA

SUBJECT: REINSTATEMENT, FOR CONSTRUCTION CONTRACTS NOT YET
ENTERED INTO, OF DAVIS-BACON PROVISIONS ON PROJECTS
FOR WHICH BIDS OR PROPOSALS WERE SOLICITED DURING
THE PERIOD OF THE ACT'S SUSPENSION

As stated in the all-agency memorandum No. 93 of April 6, 1971 from the Under Secretary of Labor, Proclamation 4040 of the President issued on March 29, 1971 revoking Proclamation 4031 which suspended the Davis-Bacon Act's application to construction contracts entered into on or after February 23, 1971 -

is prospective in its application . . . and in no way does it prevent any resolicitation otherwise authorized of bids or proposals after such date, in which event the Davis-Bacon requirements will become applicable to the procurement if it is of a character to which they would otherwise apply, and the contract entered into as a result of the resolicitation will not be affected by the previous suspension.

It has been brought to our attention that a number of agencies have pending procurement actions for construction projects on which bids or proposals were solicited without Davis-Bacon wage payment provisions during the period from February 23 to March 29, inclusive, as a result of the suspension by Proclamation 4031, and to which the Davis-Bacon Act, except for the effect of the suspension, would be applicable.

For the further guidance of the agencies of the Federal Government and the District of Columbia with respect to these pending procurement actions, the President has asked me to explain that in the case of contracts not yet entered into as a result of the solicitation of bids or proposals during the period when Proclamation 4031 was effective, each agency should, if it can do so

46

legally and without undue hardship, take such action to accomplish a resolicitation of bids or proposals as is authorized under the governing procurement laws and regulations and is most appropriate to effect a reinstatement of the application of the Davis-Bacon provisions to the proposed contract work.

A handwritten signature in black ink, appearing to read "J. A. Hodgson". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

Secretary of Labor