



Arkansas Office of Recovery and Reinvestment

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MEMORANDUM

TO: Local Education Agencies (LEAs) Receiving State Fiscal Stabilization Funds

FROM: Erin Gildner, DFA-IGS Grants Coordinator

DATE: October 25, 2010

RE: Davis-Bacon Application on Security and Intrusion Detection Systems

This memorandum is to provide some clarification on Supply and Installation Contracts and the application of Davis-Bacon, specifically Security and Intrusion Detection Systems.

Davis-Bacon and Security Systems- According to the Field Operations Handbook-6/29/90, installing a security system or an intrusion detection system would fall under Davis-Bacon. According to the conformance procedures section of the Prevailing Wage Resource guide, these alarm installers would fall under the electrician category for their classification. Please be aware that this is documented in the Department of Labor's guidance, and DFA-IGS Construction Inspectors will check these contracts for the proper clauses and expect to review certified payroll documents. Even if the system's installation is included in the price, the vendor/contractor has to pay the proper prevailing wage rates for the site of work, and collect weekly certified payroll for all laborers and mechanics working on the job.

http://www.dol.gov/whd/FOH/FOH_Ch15.pdf

15d10 Supply and installation contracts (Field Operations Handbook 6/29/90)

- (a) Installation work performed in conjunction with supply or service (e.g., base support) contracts is covered by the DBRA where it involves more than an incidental amount of construction activity (i.e., the contract contains specific requirements for substantial amounts of construction, reconstruction, alteration, or repair work, and such work is physically or functionally separate from and can be performed on a segregated basis from the other non-construction work called for by the contract (see Reg 4.116(c)(2)). For example, D-B coverage has been extended to installing a security system or an intrusion detection system, installing permanent shelving which is attached to a structure, installing air-conditioning ducts, excavating outside cable trenches and laying cable, installing heavy generators, mounting radar antennae, and installing instrumentation grounding systems, where a substantial amount of construction work is involved.

- (b) Whether installation work involves more than an incidental amount of construction activity depends upon the specific circumstances of each particular case and no fixed rules can be established which would accommodate every fact situation. Factors requiring consideration include the nature of the prime contract work, the type of work performed by the employee installing the equipment on the project site (i.e., the techniques, materials, and equipment used and the skills called for in its performance), the extent to which structural modifications to building are needed to accommodate the equipment (such as widening entrances, relocating walls, or installing wiring), and the cost of the installation work—either in terms of absolute amount or in relation to the cost of the equipment and the total project cost.
- (c) DBRA does not apply to construction work which is incidental to the furnishing of supplies or equipment, if the construction work is so merged with non-construction work or so fragmented in terms of the locations or time spans of its performance that the construction work is not capable of being segregated as a separate contractual requirement.

<http://www.dol.gov/whd/recovery/pwrp/Tab14DBConformances.pdf>

SPECIALTY AND GENERAL CLASSIFICATIONS

Additional classification requests/conformances are often requested for the following specialty classifications. These specialty classifications should not be approved if the duties are performed on similar construction in the area by general classifications that are listed on the contract wage determination.

SPECIALTY CLASSIFICATION (Often requested by contractors)	GENERAL CLASSIFICATION (may perform the specialty duties)
Drywall (sheetrock) installers	Carpenters
Drywall finishers/tapers	Painters
Alarm installers Sound and communication workers/installers Electronic technicians Lightning protection installers Low voltage installers	Electricians
HVAC mechanics (heating, ventilation and air conditioning mechanics) Refrigeration mechanics/workers Furnace installers Burner repairmen	Sheet metal workers Plumbers Pipe fitters/steam fitters Electricians
Pipe wrappers/insulators Mechanical (system) insulators	Asbestos workers/ heat & frost insulators

SPECIALTY CLASSIFICATION (Often requested by contractors)	GENERAL CLASSIFICATION (may perform the specialty duties)
Batt insulation installers Blown insulation installers	Carpenters Laborers
Asbestos abatement workers (removal from pipes and boilers that will be reinsulated)	Asbestos workers/ heat and frost insulators
Asbestos abatement workers (removal does not include removal from pipes and boilers that will be reinsulated)	Laborers
Metal building assemblers/builders/erectors	Iron workers Laborers Sheet metal workers Carpenters
Fence erectors	Ironworkers Laborer
Rebar workers Rodman (performing rebar work) Steel setters Steel or iron tiers	Ironworkers (reinforcing) Cement workers Laborers
TV Grout Operators	Power equipment operators Laborers Truck drivers

If you have any questions regarding the content in the memo, or any general questions regarding ARRA SFSF Davis-Bacon and Buy American application, please feel free to contact me at Erin.Gildner@dfa.arkansas.gov or (501) 682-1468.

cc: Arkansas Department of Education