



Attachment 8 – 17

Construction versus Installation

Davis-Bacon and Related Acts (DBRA) impose requirements for workers employed under construction contracts covered by the act. The definition of construction is described below along with a description of installation activities that are not covered.

CONSTRUCTION

All types of work done on a particular building or work at the work site, including without limitation:

- (1) Altering, remodeling, installation (where appropriate) on the site of the work of items fabricated off-site.
- (2) Painting and decorating.
- (3) Manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work.
- (4) Transportation that includes:
 - Transportation between the site of the work and a facility which is dedicated to the construction of the building or work and deemed a part of the site.
 - Transportation of portion(s) of the building or work between a site where a significant portion of such building or work is constructed, which is a part of the site of the work and the physical place or places where the building or work will remain.

Except for the construction or development public housing (including Native American Housing), the transportation of materials or supplies to or from the site of the work by employees of the construction contractor or a construction subcontractor is not “construction, prosecution, completion, or repair”.

SITE OF WORK

The site of work is limited to the physical place or places where the construction called for in the contract/scope of work will remain when the work has been completed and any other site where a significant portion of the building or work is constructed, provided that such site(s) is established specifically for the performance of the contract or project.

INSTALLATION

Installation work performed in conjunction with supply or service (e.g., base support) contracts is covered by the DBRA when 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. For example, DBA 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 antenna, and installing instrumentation grounding systems, where a substantial amount of construction work is involved.

DBRA does not apply to construction work which is incidental to the furnishing of supplies or equipment. 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 address every situation. Factors requiring consideration include the nature of the prime contract work, the type of work performed by the employees 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 buildings are needed to accommodate the equipment (i.e., 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.

An employee of an equipment rental dealer or other company that performs repair work on-site is subject to DBRA if the employee performs more than an incidental amount of work on site.