The Administrator

September 17, 2012

Mr. James Boland
President
International Union of Bricklayers
and Allied Craftworkers
620 F Street, NW
Washington, DC 20004

Dear Jim:

Thank you for your letter dated February 16, 2012, regarding the applicability of the Davis-Bacon Act and the use of a Project Labor Agreement (PLA) on the redevelopment of the Old Post Office Building in Washington, DC. I apologize for the delay in responding.

As noted in the Request for Proposals (RFP), the U.S. General Services Administration (GSA) held a competition to choose a preferred selected developer pursuant to the authorities set forth in the Old Post Office Redevelopment Act of 2008 and the National Historic Preservation Act of 1966 (NHPA). We are currently in the negotiation phase of this project and construction has not yet started.

The Davis-Bacon Act will apply. The RFP contains the following provision regarding the applicability of Davis-Bacon prevailing wages to construction work performed at the Old Post Office:

> [Developer] agrees, with respect to any contract entered into by [Developer] during the term of the lease agreement for construction, alteration and/or repair of or to the OPO, that if entered into by the United States would be subject to the Davis-Bacon Act, 40 U.S.C. §§ 3141 *et seq.*, to require its contractor(s) under such contract to comply with all provisions of the Davis-Bacon Act; the Vietnam Era Veterans Readjustment Act of 1972, 38 U.S.C. §4211; and the Rehabilitation Act of 1973, 29 U.S.C. §705; including all implementing regulations issued there under, to the same extent as if such contractor(s) had contracted directly with the United States.

Executive Order (EO) 13502 encourages Federal agencies to consider requiring the use of project labor agreements in connection with large-scale construction projects. GSA has been at the forefront of Federal agencies in securing PLAs on large-scale construction projects, and we remain committed to the policy goals embedded in EO 13502. The Old Post Office RFP did not contain language requiring the Developer to enter into a PLA. However, we will discuss the potential use of a PLA with the selected

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developer and whether such a PLA would advance the Federal Government's interest in achieving economy and efficiency in Federal procurement, produce labor-management stability, ensure compliance with laws and regulations governing safety and health, equal employment opportunity, labor and employment standards, and other matters, and otherwise be consistent with law.

If you have any additional questions or concerns, please do not hesitate to contact me or Bill Dowd, Acting Regional Commissioner, Public Buildings Service at (202) 708-5891.

Sincerely,

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Dan Tangherlini
Acting Administrator