

ADDENDUM #11

KITSAP TRANSIT
Request for Proposals
Bow Loading Ferry Vessel Design Build
RFP #KT 17-559
November 20, 2017

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200
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Clarification, Additions, Revisions and Corrections:

Clarification: Kitsap Transit has received the following clarification regarding the inclusion of Davis Bacon Wage Determinations for this project (**bold text for emphasis**).

DOL guidance in the Field Operation Handbook provides the following information:

15d11 Shipbuilding, alteration, repair, and maintenance. The building, alteration, and/or repair of ships under government contract is work performed upon “public works” within the meaning of the DBA. **Wage determinations for shipbuilding under the DBA are issued only if the location of contract performance is known when bids are solicited.** However, a government contract which calls for the construction, alteration, furnishing, or equipping of a naval vessel (i.e., U.S. Navy and U.S. Coast Guard vessels) is subject to the Walsh-Healey Public Contracts Act (PCA). A contract which calls for maintenance and/or cleaning, rather than alteration or repair, of a ship or naval vessel is a service contract within the meaning of the SCA. See FOH 13b11 and 14c06.

If the place of performance could not be ascertained in advance of the bidding, the work to be done falls within the exemption announced by the Department of Labor in Treasury Procurement Circular Letter No. 126, dated October 7, 1935 – where the work involved covers the construction or repair of ships or other moveables where the place of performance of the contract cannot be ascertained in advance of the bidding, so therefore for your second question **no wage determination should be included in a contract that you do not know the location of PRIOR to bid solicitations.** Feel free to use any of the guidance cited above for your files if this situation arises again.

Guidance received from Amanda Herrmann, Section Chief, Department of Labor, Branch of Construction Wage Determinations.

Based on the guidance above, Proposers need not include Davis Bacon wage rates in their Proposals. Proposers are reminded that their state regulation may apply. All Proposers in the State of Washington are reminded that state prevailing wage rates will apply to this Contract.

All other terms and conditions remain the same.

END ADDENDUM 11