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Via Hand Delivery and Electronic Mail

General Services Administration
FAR Secretariat (MVA)
1800 F Street, N.W.
Room 4035
Attn: Laurie Duarte
Washington, D.C. 20405

**Re: FAR Case 2002-004
Labor Standards for Contracts Involving Construction**

Dear Ms. Duarte:

On behalf of the Section of Public Contract Law of the American Bar Association ("the Section"), I am submitting comments on the above-referenced matter. The Section consists of attorneys and associated professionals in private practice, industry, and Government service. The Section's governing Council and substantive committees have members representing these three segments to ensure that all points of view are considered. By presenting their consensus view, the Section seeks to improve the process of public contracting for needed supplies, services, and public works.

The Section is authorized to submit comments on acquisition regulations under special authority granted by the Association's Board of Governors. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, therefore, should not be construed as representing the policy of the American Bar Association.

We have reviewed the proposed FAR changes and believe they are substantively correct and fairly reflect the current Department of Labor ("DOL") regulations and especially the new definitions. *See FAR § 22.401, Definitions.*

There are, however, structural inconsistencies in the prescribed clauses. The proposed FAR 52.222-6, *Davis-Bacon Act*, includes a definition of “site of the work,” but none of the other definitions in FAR 22.401, *Definitions*. Similarly, the *Subcontracts* clauses in 52.222-11 includes a definition of “construction, alteration and repair,” but none of the other definitions in FAR 22.401. Either all of the definitions should be included in these two clauses (FAR 52.222-6 and FAR 52.222-11) or the definitions of FAR 22.401 should be incorporated by reference. We recommend that the definitions of FAR 22.401 be incorporated by reference instead of by full text.

The Section appreciates the opportunity to provide these comments and is available to provide additional information or assistance as you may require.

Sincerely,

A handwritten signature in purple ink that reads "H.J. Bell, Jr." with a stylized flourish at the end.

Hubert J. Bell, Jr.
Chair, Section of Public Contract Law

cc: Patricia H. Wittie
Robert L. Schaefer
Michael A. Hordell
Patricia A. Meagher
Mary Ellen Coster Williams
Norman R. Thorpe
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