



New York State Department of Labor
Eliot Spitzer, *Governor*
M. Patricia Smith, *Commissioner*

April 27, 2007

Mr. Paul Hayes
Infra Map Corporation
10365 Cedar Lane
Glen Allen, Virginia 23056

Re: Applicability of Article 8
Utility Mapping Services
Contract No.: 0015566, PIN 5088.06

Dear Mr. Hayes:

This is in response to your letter to Calvin Norton, dated March 23, 2007, in which you inquire if prevailing rates apply to utility mapping services on public work projects. In addition to your letter, you provided a job description for what youW title a "Utility Location Manager" and "Certified Technical Locator". Further, you provided a "General Scope of Services" which describes the work to be performed ..

You indicate in your letter that over the past five years of your company performing Subsurface Utility Engineering Services (S.U.E.), the positions of utility location manager and technical locator were determined not to be subject to prevailing wage rates. However, you acknowledge that the surveying and vacuum excavation services are subject to prevailing wages.

As you describe, the work of the certified technical locator includes, among other things, the reading and interpretation of utility maps and plans and construction documents and operating electronic geophysical prospecting equipment for the purpose of creating a composite map of underground and aboveground utility infrastructure. The utility location manager job description generally includes supervising a field crew using electronic equipment to map gas, water, sewer, and phone, power, and CATV lines.

Prevailing rates are based on collectively bargained agreements. The Department utilizes those agreements to determine the rate that covers the type of work activity in question. The work in question above, as of July of 2006, is a part of the collective bargaining agreement of the Operating Engineer-Survey Crew - Consulting Engineer and is classified as Instrument Man and Party Chief, respectively. Therefore, prevailing wages and supplements need to be paid to workers performing this work on a public work project.

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This supersedes any opinion outlined in Tom Burns' letters dated July 18, 2000 and January 30, 2001.

I trust the above information clarifies this issue. However, should you have additional questions, please feel free to call me at (518) 485-5926.

David G. Bouchard
Assistant Director
Bureau of Public Work



cc: Marc Connolly, PE, Design Quality Assurance Bureau, NYSDOT
Ronald R. Rotunno, PE, (NJ) Regional Director, IMAP
Amy Jackson, H/R Administrator/Recruiter, IMAP
Frederick Kelley, Supervising Public Work Wage Investigator
Thomas Burns, Senior Public Work Wage Investigator

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