

File No. 105408

March 6, 1962

Mr. Bernard L. Werner, Director
Department of Public Works
300 Municipal Building
Baltimore 2, Maryland

Re: Jones Falls Expressway Federal Aid
Project #I-IG-83-1 (12) 2 and
Federal Aid Project #I-IG-83-1 (15) 2

Dear Mr. Werner:

As you recall, we have had under consideration the claim of C. J. Langenfelder and Son, Inc. for reimbursement of health and welfare payments on force account work with respect to the above projects.

The above captioned contracts have provisions pertaining to force account work. The only point in issue is interpretation of the language contained therein regarding the "wages applicable to this contract," and specifically whether or not the contractor's contribution to a Health and Welfare Fund at the rate of 7½¢ per hour per employee for the employee is a part of the "rates of wage paid," or is otherwise subject to reimbursement to the contractor under the contract.

Sections 4-15 Jones Falls Expressway Station
Contracts, Project No. I-IG-83-1 (12) 2 and Project I-IG-83-1 (15)
2 provides that:

"All extra work done on a 'force account' basis will be paid for in the following manner:

(a) Labor

For all labor and foremen in direct charge of the specific operation, the Contractor shall receive the rates of wage applicable to this Contract, to be agreed upon in writing before starting such work, for each and every hour that said labor and foremen are actually engaged in such work, to which shall be added an amount equal to fifteen per centum (15%) of the sum thereof. (Emphasis supplied)

(d) General

(1) * * *. All claims for work done on a 'force account' basis shall be submitted to the Engineer by the Contractor * * *