

Memo

To: Field Sales Organization

From: Kelly Safis

Date:

Re: Prevailing Wage Disclaimer

Please find below a clarification of our position as it relates to the issue of Prevailing Wage. Prevailing Wage is covered by the Davis-Bacon and Related Acts, which is referred to as DBRA. Whirlpool's delivery agents are not performing construction and therefore are exempt from this act. Should you be questioned by your trade customer you may provide this clarification. The clarification, as represented below, will be inserted in any contracts received by TPFS requesting Prevailing Wage. We will not be paying any requested prevailing wage as Whirlpool and its delivery agents are exempt.

WHIRLPOOL understands certain work performed on the project that is the subject of this Contract may be covered by the Davis-Bacon and Related Acts ("DBRA"). However, it is understood and agreed that the work performed by WHIRLPOOL and/or its vendors in connection with the delivery and installation of manufactured appliances under this Contract is not covered by the DBRA, and that prevailing wages and certified payroll data are not required with respect to the performance of any such work. WHIRLPOOL is an appliance manufacturer that is not engaged in or licensed to perform construction, and the labor component of this contract is minimal in comparison to the total amount of this contract and the cost of the appliance products involved. The delivery, unloading, uncrating/unpacking, setting in place and connection of appliances on this project are incidental to the manufacture and sale of appliance products by WHIRLPOOL, and do not involve or require any structural modifications, plumbing, electrical or carpentry work.