Federal Acquisition Regulation

52.222–33 Notice of Requirement for Project Labor Agreement.

As prescribed in 22.505(a)(1), insert the following provision:

**NOTICE OF REQUIREMENT FOR PROJECT LABOR AGREEMENT (MAY 2010)**

(a) Definitions. “Labor organization” and “project labor agreement,” as used in this provision, are defined in the clause of this solicitation entitled Project Labor Agreement.

(b) Consistent with applicable law, the offeror shall negotiate a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

(c) Consistent with applicable law, the project labor agreement reached pursuant to this provision shall—

(1) Bind the offeror and all subcontractors engaged in construction on the construction project to comply with the project labor agreement;

(2) Allow the offeror and all subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements;

(3) Contain guarantees against strikes, lockouts, and similar job disruptions;

(4) Set forth effective, prompt, and mutually binding procedures for resolving labor

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**TABLE:**

<table>
<thead>
<tr>
<th>DBA craft</th>
<th>New WD</th>
<th>Hourly rate paid</th>
<th>Diff.</th>
<th>Actual hrs.</th>
<th>Actual units (sq. yard)</th>
<th>Increase/ sq. yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equip. Opr.</td>
<td>$18.50</td>
<td>$18.00</td>
<td>$.50</td>
<td>600 hrs.</td>
<td>3,000 sq. yrd.</td>
<td>$.10</td>
</tr>
<tr>
<td>Truck Driver</td>
<td>$19.00</td>
<td>$18.25</td>
<td>$.75</td>
<td>525 hrs.</td>
<td>3,000 sq. yrd.</td>
<td>$.13</td>
</tr>
<tr>
<td>Laborer</td>
<td>$11.50</td>
<td>$11.25</td>
<td>$.25</td>
<td>750 hrs.</td>
<td>3,000 sq. yrd.</td>
<td>$.06</td>
</tr>
</tbody>
</table>

Total increase per square yard: $9.29

*Note: Adjustment for labor rate increases or decreases may be accompanied by social security and unemployment taxes and workers’ compensation insurance.*

Current unit price (per square yard) ... $3.38
Add DBA price adj. ... +.29
New unit price (per square yard) ... $3.67

(End of clause)

[66 FR 57482, Oct. 22, 2001]
disputes arising during the term of the project labor agreement;
(5) Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and
(6) Fully conform to all statutes, regulations, Executive orders, and agency requirements.
(d) Any project labor agreement reached pursuant to this provision does not change the terms of this contract or provide for any price adjustment by the Government.
(e) The offeror shall submit to the Contracting Officer a copy of the project labor agreement with its offer.

(End of Provision)

Alternate I (MAY 2010). As prescribed in 22.505(a)(1), substitute the following paragraphs (b) and (e) for paragraphs (b) and (e) of the basic clause:
(b) The apparent successful offeror shall negotiate a project labor agreement with one or more labor organizations for the term of the resulting construction contract.
(e) The apparent successful offeror shall submit to the Contracting Officer a copy of the project labor agreement prior to contract award.

Alternate II (MAY 2010). As prescribed in 22.505(a)(2), substitute the following paragraph (b) in lieu of paragraphs (b) through (e) of the basic clause:
(b) Consistent with applicable law, if awarded the contract, the offeror shall negotiate a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

(End of Clause)

52.222–34 Project Labor Agreement.

As prescribed in 22.505(b)(1), insert the following clause:

PROJECT LABOR AGREEMENT (MAY 2010)
(a) Definitions. As used in this clause—
Labor organization means a labor organization as defined in 29 U.S.C. 152(5).
Project labor agreement means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f).
(b) The Contractor shall maintain in a current status throughout the life of the contract the project labor agreement entered into prior to the award of this contract in accordance with solicitation provision 52.222–33, Notice of Requirement for Project Labor Agreement.
(c) Subcontracts. The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts with subcontractors engaged in construction on the construction project.

(End of Clause)