Supplementary Information:

Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–73 amends the FAR as specified below:

Item I—Positive Law Codification of Title 41 (FAR Case 2011–018)

This final rule amends the Federal Acquisition Regulation (FAR) to conform references throughout the FAR to the new Positive Law Codification of Title 41, United States Code, “Public Contracts” and other conforming changes. The new codification of Title 41 was enacted on January 4, 2011, under Public Law 111–350. Additionally, the rule completes the implementation of the recodification of Title 40. The codifications reorganized and renumbered the statutes, but did not change the meaning or legal effect.

A table at FAR 1.110 provides the popular names of Acts, the present statutory citation, and the new titles of the statutes. For example the “Service Contract Act of 1965” is now the “Service Contract Labor Standards statute”.

The rule does not have a significant effect beyond the internal operating procedures of the Government, and consequently does not have a significant cost or administrative impact on entities either large or small.

Item II—Technical Amendments

Editorial changes are made at FAR 9.105–2, 9.203, 11.201, 52.203–17, 52.208–8, 52.211–2, and 52.212–1.

Dated: April 11, 2014.

William Clark,
Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2005–73 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–73 is effective April 29, 2014 except for items I, which is effective May 29, 2014.

Dated: April 8, 2014.

Amy G. Williams,
Deputy Director, Defense Acquisition Regulations Council, Defense Procurement and Acquisition Policy.

Dated: April 11, 2014.

Jeffrey Koses,
Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Dated: April 7, 2014.

William P. McNally,
Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 2014–08743 Filed 4–28–14; 8:45 am]
I. Background


Furthermore, the rule proposed further updates to complete the implementation of the recodification of title 40 in the FAR (see final rule under FAR Case 2005–010, Title 40 of United States Code Reference Corrections, published in the Federal Register at 70 FR 57453 on September 30, 2005).

The proposed rule included the following:

1. Changes to citations (e.g., “41 U.S.C. 10a–10d” now reads “41 U.S.C. chapter 83”).

2. Changes to the popular names of the Acts (e.g., the “Service Contract Act of 1965” is now the “Service Contract Labor Standards statute”). A table providing the popular names of the Acts, the present statutory citation, and the new titles of the statutes appears at FAR 1.110. This table covers Acts under both Titles 40 and 41.

3. Changes to terminology which did not involve substantive changes to the meaning of the statutes.

4. Numerous minor corrections to the FAR apart from the changes directly due to the recodification, such as corrections to references to Title 10 of the United States Code: addition of codification citations are added for authorization acts, appropriations acts, and other public laws.

Two respondents submitted comments on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:

A. Summary of Significant Changes

There are no changes in the final rule from those proposed, other than minor edits.

B. Analysis of Public Comments

1. Changes to the Popular Names of the Acts

   a. Davis-Bacon Act

      Comment: One respondent was particularly concerned about removal of references to the Davis-Bacon Act. The respondent stated that there was no mandate to remove references to the Davis-Bacon Act from the FAR. The 2005 rulemaking, which amended the FAR to correct the statutory references to Title 40, was sufficient. The respondent also stated that the new phrase “Wage Rate Requirements (Construction)” does not appear in the statutory text itself, although the subchapter heading is “Wage Rate Requirements.”

      Furthermore, the respondent was concerned that the Department of Labor has not made similar changes in the Department of Labor regulations, which will result in confusion.

      Response: The codifications of Title 40 and Title 41 have removed all references to the popular names of the statutes codified therein. There are also conforming changes to other titles of the United States Code, to likewise remove the use of the popular names throughout the United States Code. When the Councils decided that the change was necessary for conformity to the United States Code, the 2005 case was reviewed and conforming changes to the statutory titles in Title 40 were included in this case. Future changes to these sections of the United States Code will no longer be in terms of the old statutes, but in terms of the new codification. Therefore, the old popular names will gradually have little meaning to the newer workforce.

      As an aid to recognition of new statutory citations, the headings have been used to identify the statutes. In the case of “Wage Rate Requirements,” it appeared too generic, possibly leading to confusion with the wage rate requirements under the Service Contract Labor Standards statute. Therefore, when citing the title for 40 U.S.C. chapter 31, Subchapter IV, “(Construction)” has been added in parentheses, and when citing the statute, the regulations refer to it as the Construction Wage Rate Requirements statute.

      The Department of Labor has confirmed that it is in the process of updating its regulations to conform to the codification of Titles 40 and 41.

   b. Procurement Integrity Act and Truth in Negotiations Act

      Comment: One respondent comments that changing the name of the “Procurement Integrity Act” to “Restrictions on Obtaining and Disclosing Certain Information” seems to take personal integrity as a government contractor or employee out of the picture and replace it with compliance with applicable rules. The respondent also expressed concern that the change in the title of the “Truth in Negotiations Act” to “Truthful Cost or Pricing Data” indicates that the Government does not care about dishonest or misleading conduct in negotiations as long as the underlying data is truthful.

      Response: The codification did not change the substance of the statutes, just the titles. The FAR did not create these titles but is reflecting the new statutory chapter titles in Title 41, as enacted into law.

2. Terminology Changes

   Comment: One respondent stated that some of the changes in the proposed rule indicate that the agencies no longer are interested in honesty in fact, but only in compliance with the law. According to the respondent, the Government is more interested in minor technicalities than the many serious issues necessary to maintain an honest and open procurement system.

      Response: The Defense Acquisition Regulations Council and the Civilian Agencies Acquisition Council (the Councils) continue to demonstrate an ongoing interest in the serious issues relating to honesty and openness in procurement, and important issues such as personal and organizational conflicts of interest, fairness and integrity in competition, and collection of data in the Federal Awardee Procurement Integrity Information System. However, the acquisition regulations must also stay current with all statutory changes, Executive orders, the regulations of other agencies (e.g., the Department of Labor and the Small Business Administration), finance and pricing issues, international agreements, and systems changes, as well as making any necessary technical corrections to ensure the accuracy of the regulations.

   The positive law codification of Title 41 did not involve any substantive changes to the meaning of the statutes. Nevertheless, the Councils undertook the effort to make all necessary changes to the FAR to make it consistent with Title 41, including terminology changes. Making a small change to maintain consistency with a statute does not indicate a lack of concern for the substantive issues.
C. Other Changes

There are no other substantive changes in the final rule from those proposed.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has determined that this rule is not a significant regulatory action under section 6(a)(3)(A) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. Therefore, this rule was not subject to OIRA review under section 6(b) of E.O. 12866. OIRA has determined that this rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule does not change or add any policies or procedures. The rule merely updates references and terminology.

V. Paperwork Reduction Act


List of Subjects in 48 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 36, 37, 38, 39, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, and 53

Government procurement.

Dated: April 11, 2014.

William Clark,
Acting Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 36, 37, 38, 39, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, and 53 as set forth below:

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1. The authority citation for 48 CFR parts 1, 2, 3, 4 and 5 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

2. Amend section 1.103 by revising paragraph (a) to read as follows:

1.103 Authority.

(a) The development of the FAR System is in accordance with the requirements of 41 U.S.C. chapter 13, Acquisition Councils.

1.106 [Amended]


4. Amend section 1.107 by revising the introductory text to read as follows:

1.107 Certifications.

In accordance with 41 U.S.C. 1304, a new requirement for a certification by a contractor or offeror may not be included in this chapter unless—

5. Amend section 1.109 by removing from paragraph (a) “41 U.S.C. 431a” and adding “41 U.S.C. 1908” in its place; and revising paragraph (c) to read as follows:

1.109 Statutory acquisition-related dollar thresholds—adjustment for inflation.

(c) The statute does not permit escalation of acquisition-related dollar thresholds established by:

(1) 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction);

(2) 41 U.S.C. chapter 67, Service Contract Labor Standards; or

(3) The United States Trade Representative pursuant to the authority of the Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.).

6. Add section 1.110 to subpart 1.1 to read as follows:

1.110 Positive law codification.


(b) Public Law 111–350 revised, codified, and enacted as title 41, United States Code, Public Contracts, certain general and permanent laws of the United States.

(c) The following table provides cross references between the historical titles of the acts, and the current reference in title 40 or title 41.

<table>
<thead>
<tr>
<th>Historical title of act</th>
<th>Division/chapter/subchapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davis-Bacon Act</td>
<td>40 U.S.C. chapter 31, Subchapter IV</td>
<td>Wage Rate Requirements (Construction).</td>
</tr>
</tbody>
</table>
7. Amend section 1.301 by revising the first sentence of paragraph (b) to read as follows:

1.301 Policy.

(b) Agency heads shall establish procedures to ensure that agency acquisition regulations are published for comment in the Federal Register in conformance with the procedures in subpart 1.5 and as required by 41 U.S.C. 1707, and other applicable statutes, when they have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or offerors. * * * * *

1501–1 [Amended]

8. Amend section 1.501–1 by removing from the first sentence “having a significant” and adding “and which have a significant” in its place.

1.602–3 [Amended]


1.603–1 [Amended]


PART 2—DEFINITIONS OF WORDS AND TERMS

11. Amend section 2.101 in paragraph (b) by—

(a) Removing from the definition “Certified cost or pricing data” the citation “41 U.S.C. 254b)” and adding “41 U.S.C. chapter 35)” in its place;

(b) Removing from the definition “Chief Acquisition Officer” the words “the Services Acquisition Reform Act of 2003, Section 1421 of Public Law 108–136” and adding “41 U.S.C. 1702)” in its place;

(c) Removing from the definition “Claim” the words “the Contract Disputes Act of 1978” and “by the Act” and adding “41 U.S.C. chapter 71, Contract Disputes,” and “by the statute” in their place, respectively;

(d) Removing from the first sentence of the definition “Cost or pricing data” the words “41 U.S.C. 254b)” and adding “41 U.S.C. chapter 35)” in its place;

(e) Removing from the definition “Humanitarian or peacekeeping operation” the words “41 U.S.C. 259(d)” and adding “41 U.S.C. 153(2)” in its place;

(f) Revising the definition “Ineligible”;

(g) Revising the definition “Major system” in paragraph (3), “41 U.S.C. 403” and adding “41 U.S.C. 109)” in its place;

(h) Revising the definition “Micro-purchase threshold”;

(i) Revising the definition “Senior procurement executive”;


(k) Removing from the definition “Technical data” the words “(See 41 U.S.C. 403(b))” and adding “(See 41 U.S.C. 116)” in its place; and

(l) Revising the definition “Value engineering” to read as follows:

2.101 Definitions.

B* * * * *

(b) * * * * * * * * * *

(2) * * * * * * * * * *

Ineligible means excluded from Government contracting (and subcontracting, if appropriate) pursuant to statutory, Executive order, or regulatory authority other than this regulation (48 CFR chapter 1) and its implementing and supplementing regulations; for example, pursuant to—

(1) 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction), and its related statutes and implementing regulations;

(2) 41 U.S.C. chapter 67, Service Contract Labor Standards;

(3) The Equal Employment Opportunity Acts and Executive orders;

(4) 41 U.S.C. chapter 65, Contracts for Material, Supplies, Articles, and Equipment Exceeding $15,000;

(5) 41 U.S.C. chapter 83, Buy American; or

(6) The Environmental Protection Acts and Executive orders.

B* * * * *

Micro-purchase threshold means $3,000, except it means—

(1) For acquisitions of construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction), $2,000;

(2) For acquisitions of services subject to 41 U.S.C. chapter 67, Service Contract Labor Standards, $2,500; and

(3) For acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical or radiological attack as described in 13.201(g)(1), except for construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction) (41 U.S.C. 1903)—

(i) $15,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States; and

(ii) $30,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States.

B* * * * *

Senior procurement executive means the individual appointed pursuant to 41 U.S.C. 1702(c) who is responsible for
management direction of the acquisition system of the executive agency, including implementation of the unique acquisition policies, regulations, and standards of the executive agency.

Value engineering means an analysis of the functions of a program, project, system, product, item of equipment, building, facility, service, or supply of an executive agency, performed by qualified agency or contractor personnel, directed at improving performance, reliability, quality, safety, and life-cycle costs (41 U.S.C. 1711). For use in the clause at 52.248–2, see the definition at 52.248–2(b).

PART III—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

12. Amend section 3.104–1 in the definition “Contractor bid or proposal information” by revising paragraph (1); and removing from the definition “Federal agency procurement” the words “of the Act” and adding “of 41 U.S.C. chapter 21” in its place.

The revised text reads as follows:

3.104–1 Definitions.

Contractor bid or proposal information * * * *(1) Cost or pricing data (as defined by 10 U.S.C. 2306a(h)) with respect to procurements subject to that section, and 41 U.S.C. 3501(a)(2), with respect to procurements subject to that section, and 41 U.S.C. 3501(a)(2), with respect to procurements subject to that section, and 41 U.S.C. 2105(a) in its place.

13. Amend section 3.104–2 by revising paragraph (a) to read as follows:

3.104–2 General.

(a) This section implements 41 U.S.C. chapter 21. Restrictions on Obtaining and Disclosing Certain Information. Agency supplementation of 3.104, including specific definitions to identify individuals who occupy positions specified in 3.104–3(d)(1)(ii), and any clauses required by 3.104 must be approved by the senior procurement executive of the agency, unless a law establishes a higher level of approval for that agency.

3.104–3 [Amended]

14. Amend section 3.104–3 by—

a. Removing from the heading of paragraph (a) “(subsection 27(a) of the Act)” and adding “(41 U.S.C. 2102)” in its place;

b. Removing from the heading of paragraph (b) “(subsection 27(b) of the Act)” and adding “(41 U.S.C. 2102)” in its place;

c. Removing from the heading of paragraph (c) “(subsection 27(c) of the Act)” and adding “(41 U.S.C. 2103)” in its place;

d. Removing from paragraph (c)(4) “subsection 27(c) of the Act” and adding “41 U.S.C. 2103” in its place; and

e. Removing from the heading of paragraph (d) “(subsection 27(d) of the Act)” and adding “41 U.S.C. 2104)” in its place.

3.104–4 [Amended]


3.104–6 [Amended]

16. Amend section 3.104–6 by removing from paragraphs (a), (c), and (d)(3) “subsection 27(d) of the Act” and adding “41 U.S.C. 2104” in its place.

3.104–7 [Amended]

17. Amend section 3.104–7 by—

a. Removing from the introductory text of paragraph (a) “subsection 27(a), (b), (c), or (d) of the Act” and adding “41 U.S.C. 2102, 2103, or 2104” in its place;

b. Removing from paragraph (b)(5) “subsection 27(e) of the Act” and adding “41 U.S.C. 2105” in its place;

c. Removing from paragraph (c) “the Act” and adding “41 U.S.C. chapter 21” in its place;

d. Removing from the introductory text of paragraph (d) “section 27 of the Act” and adding “41 U.S.C. chapter 21” in its place;

e. Removing from paragraph (d)(2)(ii)(A) “subsections 27(a) or (b) of the Act” and adding “41 U.S.C. 2102” in its place; and

f. Removing from paragraph (d)(2)(ii)(B) “subsection 27(e)(1) of the Act” and adding “41 U.S.C. 2105(a)” in its place.

3.104–8 [Amended]

18. Amend section 3.104–8 by removing from the introductory text “the Act” and adding “41 U.S.C. chapter 21” in its place; and removing from paragraphs (a) and (b) “subsection 27(e) of the Act” and adding “41 U.S.C. 2105” in its place.

3.303 [Amended]

19. Amend section 3.303 by removing from paragraph (a) “41 U.S.C. 253(b)”) and adding “41 U.S.C. 3707” in its place; and removing from paragraph (c)(5) “let by” and adding “awarded by” in its place.

3.400 [Amended]


3.402 [Amended]


3.502–1 [Amended]

22. Amend section 3.502–1 by removing from the definition “Kickback” the words “, directly or indirectly,”.

23. Amend section 3.502–2 by—

a. Revising the introductory text, and paragraphs (d)(3) and (g);

b. Removing from the introductory text of paragraph (h), and paragraphs (i)(1), and (i)(2) “Act” and adding “Kickbacks statute” in its place; and

c. Revising paragraph (j).

The revised text reads as follows:

3.502–2 Subcontractor kickbacks.

The Anti-Kickback Act of 1986 (now codified at 41 U.S.C. chapter 87, Kickbacks,) was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Kickbacks statute—

(g) Requires a prime contractor or subcontractor to report in writing to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Attorney General any possible violation of the Kickbacks statute when the prime contractor or subcontractor has reasonable grounds to believe such violation may have occurred.

(j) Notwithstanding paragraph (i) of this section, a prime contractor shall cooperate fully with any Federal Government agency investigating a violation of 41 U.S.C. 8702 (see 41 U.S.C. 8703(b)).
3.703 Authority.
(a) 41 U.S.C. 2105(c) requires a Federal agency, upon receiving information that a contractor or a person who has violated 41 U.S.C. 2102, to consider rescission of a contract with respect to which—

(1) The contractor or someone acting for the contractor has been convicted for an offense punishable under 41 U.S.C. 2105(a); or

* * * * *

3.704 [Amended]
26. Amend section 3.704 by removing from the introductory text of paragraph (c) “subsection 27(e) of the OFPP Act” and adding “41 U.S.C. 2105” in its place.

27. Amend section 3.705 by revising paragraph (e) to read as follows:

3.705 Procedures.
(e) Final agency decision. The final agency decision shall be based on the information available to the agency head or designee, including any pertinent information submitted or, if a hearing was held, presented at the hearing. If the agency decision declares void and rescinds the contract, the final decision shall specify the amounts due and payable to be returned to the agency, and reflect consideration of the fair value of any tangible benefits received and retained by the agency. Notice of the decision shall be sent promptly by certified mail, return receipt requested. Rescission of contracts under the authority of the Act and demand for recovery of the amounts expended and property transferred therefor, is not a claim within the meaning of 41 U.S.C. chapter 71, Contract Disputes, or part 33. Therefore, the procedures required by the statute and the FAR for the issuance of a final contracting officer decision are not applicable to final agency decisions under this subpart, and shall not be followed.

28. Revise section 3.1000 to read as follows:

3.1000 Scope of subpart.
This subpart—
(a) Implements 41 U.S.C. 3509, Notification of Violations of Federal Criminal Law or Overpayments; and
(b) Prescribes policies and procedures for the establishment of contractor codes of business ethics and conduct, and display of agency Office of Inspector General (OIG) fraud hotline posters.

3.1100 Scope of subpart.
This subpart implements policy on personal conflicts of interest by employees of Government contractors as required by 41 U.S.C. 2303.

PART 4—ADMINISTRATIVE MATTERS

3.703 Authority.
(a) As required by the Small Business Act (15 U.S.C. 637(e)) and 41 U.S.C. 1708, contracting officers must make notices of proposed contract actions available as specified in paragraph (b) of this section.

36. Amend section 5.201 by revising paragraph (a) to read as follows:

5.201 General.
(a) As required by the Small Business Act (15 U.S.C. 637(e)) and 41 U.S.C. 1708, agencies must make notices of proposed contract actions available as specified in paragraph (b) of this section.

* * * * *

5.202 Exceptions.
* * * * *

(a) * * *

(4) The proposed contract action is expressly authorized or required by a statute to be made through another Government agency, including acquisitions from the Small Business Administration (SBA) using the authority of section 8(a) of the Small Business Act (but see 5.205(f)), or from a specific source such as a workshop for the blind under the rules of the Committee for Purchase from People Who Are Blind or Severely Disabled; * * * * *

38. Amend section 5.207 by removing from paragraph (c)(14)(i) “American Act” and adding “American” in its place; and revising paragraph (c)(14)(iii) to read as follows:

5.207 Preparation and transmittal of synopses.
* * * * *

(c) * * *

(14) * * *

(iii) If the solicitation will include the FAR clause at 52.225–11, Buy American-Construction Materials under Trade Agreements, 52.225–23, Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials under Trade Agreements, or an equivalent agency clause, insert the following notice in the synopsis: “One or more of the items under this acquisition is subject to the World Trade Organization...
PART 6—COMPETITION REQUIREMENTS

39. The authority citation for 48 CFR part 6 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

6.000  [Amended]

40. Amend section 6.000 by removing “and competition advocates” and adding “and advocates for competition” in its place.

6.101  [Amended]

41. Amend section 6.101 by—

a. Removing from paragraph (a) “41 U.S.C. 253” and adding “41 U.S.C. 3301” in its place;

b. Removing from paragraph (b) “41 U.S.C. 253” and adding “41 U.S.C. 3301” in its place.

6.102  [Amended]


6.301  [Amended]

43. Amend section 6.301 by removing from paragraph (a) “41 U.S.C. 253(c)” and adding “41 U.S.C. 3304” in its place (twice).

6.302–1  [Amended]

44. Amend section 6.302–1 by—

a. Removing from paragraph (a)(1) “41 U.S.C. 253(c)(1)” and adding “41 U.S.C. 3304(a)(1)” in its place;

b. Removing from paragraph (a)(2)(i)(C) “41 U.S.C. 253(d)(1)(A)” and adding “41 U.S.C. 3304(b)(1)” in its place; and


6.302–2  [Amended]


6.302–3  [Amended]


6.302–4  [Amended]


48. Amend section 6.302–5 by revising paragraphs (a)(1), (b)(2), and (c)(1)(ii), and the introductory text of paragraph (c)(1)(iii), to read as follows:

6.302–5  Authorized or required by statute.

(a) Authority. (1) Citations: 10 U.S.C. 2304(c)(5) or 41 U.S.C. 3304(a)(5).

(b) * * * * *

(2) Qualified nonprofit agencies for the blind or other severely disabled—41 U.S.C. chapter 85, Committee for Purchase From People Who Are Blind or Severely Disabled (see subpart 8.7).

(c) * * * *

(i) Refers to 10 U.S.C. 2304(k) for armed services acquisitions or 41 U.S.C. 3105 for civilian agency acquisitions; and

(ii) States that award to that entity shall be made in contravention of the merit-based selection procedures in 10 U.S.C. 2304(k) or 41 U.S.C. 3105, as appropriate. However, this limitation does not apply—

6.302–6  [Amended]


6.302–7  [Amended]


6.304  [Amended]

51. Amend section 6.304 by removing from paragraph (a)(2) “by the competition advocate” and adding “by the advocate for competition”; and by removing from paragraph (a)(4) “the OFPP Act (41 U.S.C. 414(3))” and adding “41 U.S.C. 1702(c)” in its place.

6.305  [Amended]


53. Revise the heading of subpart 6.5 to read as set forth below:

SUBPART 6.5—ADVOCATES FOR COMPETITION

54. Amend section 6.501 by revising the introductory text to read as follows:

6.501 Requirement.

As required by 41 U.S.C. 1705, the head of each executive agency shall designate an advocate for competition for the agency and for each procuring activity of the agency. The advocates for competition shall—

6.502  [Amended]

55. Amend section 6.502 by removing from paragraph (a) and the introductory text of paragraph (b) “competition advocates” and adding “advocates for competition” in their places.

PART 7—ACQUISITION PLANNING

56. The authority citation for 48 CFR parts 7, 8, 9, 10, 11, 12, and 13 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

7.102  [Amended]


7.103  [Amended]

58. Amend section 7.103 by—

a. Removing from paragraph (a) “41 U.S.C. 253a(a)(1)” and adding “41 U.S.C. 3306(a)(1)” in its place;

b. Removing from paragraph (b) “41 U.S.C. 251, et seq.” and adding “41 U.S.C. 3307” in its place; and

c. Removing from paragraph (c) “41 U.S.C. 253A(a)(1)” and adding “41 U.S.C. 3306(a)(1)” in its place.

7.104  [Amended]

59. Amend section 7.104 by removing from paragraph (c) “competition advocate” and adding “advocate for competition” in its place.

7.108  [Amended]


7.202  [Amended]

61. Amend section 7.202 by removing from paragraph (a) “10 U.S.C. 2384(a) and 41 U.S.C. 253(f)” and adding “10 U.S.C. 2384(a) and 41 U.S.C. 3310” in its place.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.401  [Amended]

62. Amend section 8.401 in the definition “Multiple Award Schedule (MAS)” by removing “Title III of the

8.403 [Amended]


8.405–6 [Amended]

■ 64. Amend section 8.405–6 by removing from paragraph (d)(2) “competition advocate” and adding “advocate for competition” in its place.

8.602 [Amended]


The revised text reads as follows:

8.603 Purchase priorities.

FPI and nonprofit agencies participating in the AbilityOne Program under 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled (see subpart 8.7), may produce identical supplies or services. When this occurs, ordering offices shall purchase supplies and services in the following priorities:

■ 8.603 Purchase priorities.

PART 9—CONTRACTOR QUALIFICATIONS

9.102 [Amended]

■ 72. Amend section 9.102 by removing from paragraph (b)(3) “the blind or other severely handicapped” and adding “people who are blind or severely disabled” in its place.

■ 73. Amend section 9.107 by revising the section heading; and removing from paragraph (a) “41 U.S.C. 46–48c” and adding “41 U.S.C. chapter 85” in its place.

PART 9—CONTRACTOR QUALIFICATIONS

9.107 Surveys of nonprofit agencies participating in the AbilityOne Program.

■ 74. Revise section 9.200 to read as follows:

9.200 Scope of subpart.

This subpart implements 10 U.S.C. 2319 and 41 U.S.C. 3311 and prescribes policies and procedures regarding qualification requirements and the acquisitions that are subject to such requirements.

9.202 [Amended]

■ 75. Amend section 9.202 by removing from paragraph (b) “competition advocate” and adding “advocate for competition” in its place (twice).

9.402 [Amended]


■ 77. Amend section 9.406–2 by revising the introductory text of paragraph (b)(1)(ii) to read as follows:


PART 10—MARKET RESEARCH

10.000 [Amended]


PART 11—DESCRIBING AGENCY NEEDS

11.002 [Amended]

■ 81. Amend section 11.002 by removing from the introductory text of paragraph (a) “41 U.S.C. 253a(a), and 41 U.S.C. 264b” and adding “41 U.S.C. 3306(a), and 41 U.S.C. 3307” in its place.

11.103 [Amended]

■ 82. Amend section 11.103 by removing from the introductory text of paragraph (a) “10 U.S.C. 1906, 1907, and 3307” in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.000 [Amended]


12.102 [Amended]

■ 85. Amend section 12.102 by removing from the introductory text of paragraph (g)(1) “section 1431 of the National Defense Authorization Act for
12.103 Commercially available off-the-shelf (COTS) items.

Commercially available off-the-shelf (COTS) items are defined in 2.101. Unless indicated otherwise, all of the policies that apply to commercial items also apply to COTS items. Section 12.505 lists the laws that are not applicable to COTS items (in addition to 12.503 and 12.504); the components test of the Buy American statute, and the two recovered materials certifications in subpart 23.4, do not apply to COTS items.

12.201 General.

This subpart identifies special requirements for the acquisition of commercial items intended to more closely resemble those customarily used in the commercial marketplace, as well as other considerations necessary for proper planning, solicitation, evaluation, and award of contracts for commercial items.

12.301 [Amended]


12.404 [Amended]


12.500 [Amended]


12.502 [Amended]

91. Amend section 12.502 by removing from paragraph (b) “and Commercial Components”.

92. Amend section 12.503 by—

(a) Revising paragraphs (a)(1) through (a)(4), and (a)(7) through (a)(9), and paragraphs (b)(1), and (b)(2);

(b) Removing from paragraph (c)(1) “41 U.S.C. 253g” and adding “41 U.S.C. 4704” in its place;

(c) Revising paragraph (c)(2); and

(d) Removing from paragraph (c)(3) “41 U.S.C. 422” and adding “41 U.S.C. chapter 15” in its place.

The revised text reads as follows:

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

(a) * * *

(1) 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (see subpart 22.6).

(2) 41 U.S.C. 3901(b) and 10 U.S.C. 2306(b), Contingent Fees (see subpart 3.4).

(3) 41 U.S.C. 1708(e)(3), Minimum Response Time for Offers (see 5.203).

(4) 41 U.S.C. chapter 81, Drug-Free Workplace (see 23.501).

* * * * *


(9) 41 U.S.C. 2303(b), Policy on Personal Conflicts of Interest by Contractor Employees (see subpart 3.11).

(b) * * *

(1) 40 U.S.C. chapter 37, Requirement for a certificate and clause under the Contract Work Hours and Safety Standards statute (see 22.305).

(2) 41 U.S.C. 8703 and 8704, Requirement for a clause and certain other requirements related to kickbacks (see 3.502).

* * * * *

(c) * * *

(2) 41 U.S.C. chapter 35, Truthful Cost or Pricing Data, and 10 U.S.C. 2306a, Truth in Negotiations (see subpart 15.4).


93. Amend section 12.503 by revising paragraph (a) to read as follows:

12.505 Applicability of certain laws to contracts for the acquisition of COTS items.

* * * * *

(a)(1) The portion of 41 U.S.C. 8302(a)(1) that reads “substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States,” Buy American—Supplies, component test (see 52.225–1 and 52.225–3).

(2) The portion of 41 U.S.C. 8303(a)(2) that reads “substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States,” Buy American—Construction Materials, component test (see 52.225–9 and 52.225–11).

* * * * *

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

95. Amend section 13.005 by—

(a) Revising the section heading;

(b) Removing from the introductory text of paragraph (a) “threshold” and adding “threshold pursuant to 41 U.S.C. 1905” in its place;
The revised text reads as follows:

13.006 List of laws inapplicable to contracts and subcontracts at or below the simplified acquisition threshold.

(a) * * *
(3) 40 U.S.C. chapter 37 (Contract Work Hours and Safety Standards—Overtime Compensation).
(4) 41 U.S.C. 8102(a)(1) (Drug-Free Workplace), except for individuals.
* * * * *
(6) 10 U.S.C. 2306(b) and 41 U.S.C. 3901(b) (Contract Clause Regarding Contingent Fees).
* * * * *

13.006 [Amended]

96. Amend section 13.006 by removing from paragraph (e) the word “Act.”

13.302–5 [Amended]


13.500 [Amended]

98. Amend section 13.500 by removing from the introductory text of paragraph (a) “41 U.S.C. 2531(g) and 253a and 253b” and adding “41 U.S.C. 3305, 3306, and chapter 37, Awarding of Contracts” in its place; and removing from the introductory text of paragraph (e) “41 U.S.C. 428a” and adding “41 U.S.C. 1903” in its place.

13.501 [Amended]

99. Amend section 13.501 by—

a. Removing from paragraph (a)(1)(ii) “(section 4202 of the Clinger-Cohen Act of 1996) or the authority of the Services Acquisition Reform Act of 2003 (41 U.S.C. 428)” and adding “at 41 U.S.C. 1901 or the authority of 41 U.S.C. 1903” in its place; and

b. Removing from paragraph (a)(2)(ii) “competition advocate” and adding “advocate for competition” in its place.

PART 14—SEALED BIDDING

14.201–8 [Amended]

101. Amend section 14.201–8 by removing from paragraph (e) “American Act” and adding “American statute” in its place.

14.404–2 [Amended]


103. The authority citation for 48 CFR part 14 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 15—CONTRACTING BY NEGOTIATION

15.207 [Amended]

104. Amend section 15.207 by removing from paragraph (b) “41 U.S.C. 423” and adding “41 U.S.C. chapter 21, Restrictions on Obtaining and Disclosing Certain Information” in its place.

15.209 [Amended]


15.303 [Amended]

106. Amend section 15.303 by—

a. Removing from paragraph (b)(4) “10 U.S.C. 2305(b)(1) and 41 U.S.C. 253b(d)(3)” and adding “10 U.S.C. 2305(b)(4)(C) and 41 U.S.C. 3703(c)” in its place; and


15.304 [Amended]

107. Amend section 15.304 by—

a. Removing from paragraph (c)(1) “41 U.S.C. 253ac(c)(1)(B)” and adding “41 U.S.C. 3306(c)(1)(B)” in its place; and removing from the end of sentence “.”; and adding a period in its place; and

b. Removing from paragraph (c)(2) “41 U.S.C. 253ac(c)(1)(A); and” and adding “3306(c)(1)(A).” in its place; and

c. Removing from paragraph (d) “41 U.S.C. 253ac(b)(1)(A)” and adding “41 U.S.C. 3306(b)(1)(A)” in its place; and


15.306 [Amended]

108. Amend section 15.306 by—

a. Removing from paragraph (a)(3) “41 U.S.C. 253b(d)(1)(B)” and adding “41 U.S.C. 3703(a)(2)” in its place; and

b. Removing from paragraph (c)(2) “41 U.S.C. 253b(d)” and adding “41 U.S.C. 3703” in its place; and


15.401 [Amended]


110. Amend section 15.403–1 by—

a. Revising the section heading;


c. Removing from paragraph (c)(3)(iii) “41 U.S.C. 254b” and adding “41 U.S.C. chapter 35” in its place; and


The revised text reads as follows:

15.403–1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).
* * * * *

15.403–3 [Amended]

111. Amend section 15.403–3 by—

a. Removing from paragraph (a)(1)(ii) “41 U.S.C. 254b(d)(1)” and adding “41 U.S.C. 3505(a)” in its place; and

b. Removing from the heading of paragraph (c)(2) “41 U.S.C. 254b(d)” and adding “41 U.S.C. 3505(b)” in its place.

112. Amend section 15.403–4 by revising the section heading to read as follows:

* * * * *
PART 17—SPECIAL CONTRACTING METHODS

17.101 Authority.

This subpart implements 41 U.S.C. 3903 and 10 U.S.C. 2306b and provides policy and procedures for the use of multi-year contracting.

17.109 Contract clauses.

17.204 [Amended]

17.501 General.

17.602 [Amended]

19.000 Scope of part.


19.201 General policy.

19.800 [Amended]

19.811–1 [Amended]

19.1304 [Amended]

19.1404 [Amended]

19.1504 [Amended]

PART 16—TYPES OF CONTRACTS

16.102 [Amended]

16.501–2 [Amended]

16.505 [Amended]

16.800 by—

17.101 Authority.

17.109 Contract clauses.

17.204 [Amended]

17.501 General.

17.602 [Amended]

19.000 Scope of part.


19.201 General policy.

19.800 [Amended]

19.811–1 [Amended]

19.1304 [Amended]

19.1404 [Amended]

19.1504 [Amended]

PART 19—SMALL BUSINESS PROGRAMS

19.800 by—

19.811–1 by removing from paragraph (b)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

19.1304 by removing from paragraph (a)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

19.1404 by removing from paragraph (a)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

19.1504 by removing from paragraph (b)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

19.800 by—

19.811–1 by removing from paragraph (b)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

19.1304 by removing from paragraph (a)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

19.1404 by removing from paragraph (a)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.

19.1504 by removing from paragraph (b)(2) “Javits-Wagner-O’Day Act participating” and adding “AbilityOne participating” in its place.
“Contract Labor Standards statute” in its place; and

■ b. Revising the definitions “Service Contract” and “Wage Determinations Online (WDOL)” to read as follows:

22.001 Definitions.
* * * * *

Service contract means any Government contract, or subcontract thereunder, the principal purpose of which is to furnish services in the United States through the use of service employees, except as exempted by 41 U.S.C. chapter 67, Service Contract Labor Standards; see 22.1003–3 and 22.1003–4. See 22.1003–5 and 29 CFR 4.130 for a partial list of services covered by the Service Contract Labor Standards statute.

22.102 Contract clause.

(a) The contract will be subject to 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (see subpart 22.6), which contains a separate prohibition against the employment of convict labor;

■ 138. Revise section 22.300 to read as follows:

22.300 Scope of subpart.

This subpart prescribes policies and procedures for applying the requirements of 40 U.S.C. chapter 37, Contract Work Hours and Safety Standards (the statute) to contracts that may require or involve laborers or mechanics. In this subpart, the term “laborers or mechanics” includes apprentices, trainees, helpers, watchmen, guards, firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors, but does not include any employee employed as a seaman.

22.301 [Amended]

■ 139. Amend section 22.301 by removing “Act requires” and adding “statute requires” in its place.

22.302 [Amended]

■ 140. Amend section 22.302 by removing from paragraph (a), and the introductory text of paragraphs (b) and (c), “the Act” and adding “the statute” in its place.

22.303 [Amended]

■ 141. Amend section 22.303 by removing “the Act” and adding “the statute” in its place.

22.304 [Amended]

■ 142. Amend section 22.304 by removing from paragraph (a) “the Act” and adding “the statute” in its place.

■ 143. Amend section 22.305 by revising the introductory text and paragraphs (d) and (e) to read as follows:

22.305 Contract clause.

Insert the clause at 52.222–4, Contract Work Hours and Safety Standards—Overtime Compensation, in solicitations and contracts (including, for this purpose, basic ordering agreements) when the contract may require or involve the employment of laborers or mechanics. However, do not include the clause in solicitations and contracts—

■ 144. Amend section 22.401 by removing from the definition “Laborers or mechanics”, paragraph (1)(ii), “Standards Act” and adding “Standards statute” in its place; and removing from the definition “Wages” the words “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

22.402 [Amended]

■ 145. Amend section 22.402 by removing from paragraph (b)(1)(ii) “Davis Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

■ 146. Revise section 22.403–1 to read as follows:

22.403–1 Construction Wage Rate Requirements statute.

40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction), formerly known as the Davis-Bacon Act, provides that contracts in excess of $2,000 to which the United States or the District of Columbia is a party for construction, alteration, or repair (including painting and decorating) of public buildings or public works within the United States, shall contain a clause (see 52.222–6) that no laborer or mechanic employed directly upon the site of the work shall receive less than the prevailing wage rates as determined by the Secretary of Labor.

■ 147. Revise section 22.403–2 to read as follows:

22.403–2 Contract Work Hours and Safety Standards.

40 U.S.C. chapter 37, Contract Work Hours and Safety Standards, requires that certain contracts (see 22.305) contain a clause (see 52.222–4) specifying that no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than 40 hours in any workweek unless paid for all additional hours at not less than 1 1/2 times the basic rate of pay (see 22.301).

■ 148. Amend section 22.403–4 by revising paragraph (b) to read as follows:
22.403–4 Department of Labor regulations.

(b) The Department of Labor regulations include—

(1) Part 1, relating to Construction Wage Rate Requirements statute minimum wage rates;
(2) Part 3, relating to the Copeland (Anti-Kickback) Act and requirements for submission of weekly statements of compliance and the preservation and inspection of weekly payroll records;
(3) Part 5, relating to enforcement of the:

(i) Construction Wage Rate Requirements statute;
(ii) Contract Work Hours and Safety Standards statute; and
(iii) Copeland (Anti-Kickback) Act;
(4) Part 6, relating to rules of practice for appealing the findings of the Administrator, Wage and Hour Division, in enforcement cases under the various labor statutes, and by which Administrative Law Judge hearings are held; and
(5) Part 7, relating to rules of practice by which contractors and other interested parties may appeal to the Department of Labor Administrative Review Board, decisions issued by the Administrator, Wage and Hour Division, or administrative law judges under the various labor statutes.

150. Amend section 22.404 by

(a) Removing from paragraph (a) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

22.404 Construction Wage Rate Requirements statute wage determinations.

22.404–1 [Amended]

150. Amend section 22.404–1 by removing from paragraph (a)(2) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

22.404–11 [Amended]

151. Amend section 22.404–11 by removing “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

22.404–12 [Amended]

152. Amend section 22.404–12 by removing from paragraph (c)(3) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place; and removing from paragraph (c)(4) “Service Contract Act” and adding “Service Contract Labor Standards statute” in its place.

22.404–2 [Amended]

153. Amend section 22.404–2 by removing from the introductory text of paragraph (b)(1) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

22.406–3 [Amended]

154. Amend section 22.406–3 by removing from paragraph (a) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

22.406–8 [Amended]

155. Amend section 22.406–8 by—

(a) Removing from paragraph (d)(2)(i)(B) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place;

(b) Removing from paragraph (d)(2)(ii)(D) “Standards Act” and adding “Standards statute” in its place;

(c) Removing from paragraph (e)(2) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place; and

(d) Removing from paragraph (e)(3) “Standards Act” and adding “Standards statute” in its place.

156. Amend section 22.406–9 by—

(a) Removing from the introductory text of paragraph (a) “Standards Act” and adding “Standards statute” in its place;

(b) Removing from paragraph (a)(1) “Davis-Bacon Act” and “Standards Act” and adding “Construction Wage Rate Requirements statute” and “Standards statute” in their place, respectively;

(c) Removing from paragraph (b) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place; and

(d) Revising paragraph (c)(1) to read as follows:

22.406–9 Withholding from or suspension of contract payments.

(c) Disposition of contract payments withheld or suspended—(1) Forwarding wage underpayments to the Comptroller General. Upon final administrative determination, if the contractor or subcontractor has not made restitution, the contracting officer must forward to the appropriate disbursing office Standard Form (SF) 1093. Schedule of Withholdings Under the Construction Wage Rate Requirements statute (40 U.S.C. chapter 31, subchapter IV) and/or Contract Work Hours and Safety Standards statute (40 U.S.C. chapter 37). Attach to the SF 1093 a list of the name, social security number, and last known address of each affected employee; the amount due each employee; employee claims if feasible; and a brief rationale for restitution. Also, the contracting officer must indicate if restitution was not made because the employee could not be located. The Government may assist underpaid employees in preparation of their claims. The disbursing office must submit the SF 1093 with attached additional data and the funds withheld (by check) to the Comptroller General (Claims Section).

157. Amend section 22.406–10 by revising paragraph (f) to read as follows:

22.406–10 Disposition of disputes concerning construction contract labor standards enforcement.

(f) The Administrator, Wage and Hour Division, may institute debarment proceedings against the contractor or subcontractor if the Administrator finds reasonable cause to believe that the contractor or subcontractor has committed willful or aggravated violations of the Contract Work Hours and Safety Standards statute or the Copeland (Anti-Kickback) Act, or any of the applicable statutes listed in 29 CFR 5.1 other than the Construction Wage Rate Requirements statute, or has committed violations of the Construction Wage Rate Requirements statute that constitute a disregard of its obligations to employees or subcontractors under 40 U.S.C. 3144.

158. Amend section 22.406–12 by revising paragraph (b) to read as follows:

22.406–12 Cooperation with the Department of Labor.

(b) If a Department of Labor representative undertakes an investigation at a construction project, the contracting officer shall inquire into the scope of the investigation, and request to be notified immediately of any violations discovered under the Construction Wage Rate Requirements statute, the Contract Work Hours and Safety Standards statute, or the Copeland (Anti-Kickback) Act.

159. Revise section 22.406–13 to read as follows:

22.406–13 Semiannual enforcement reports.

A semiannual report on compliance with and enforcement of the construction labor standards requirements of the Construction Wage Rate Requirements statute and Contract Work Hours and Safety Standards statute is required from each contracting agency. The reporting periods are October 1 through March 31 and April 1 through September 30. The reports shall only contain information as to the enforcement actions of the contracting agency and shall be prepared as prescribed in Department of Labor memoranda and submitted to the
Department of Labor within 30 days after the end of the reporting period. This report has been assigned interagency report control number 1482–DOL–SA.

160. Amend section 22.407 by—
   a. Removing from paragraph (a)(1) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place;
   b. Revising paragraph (a)(2); and
   c. Removing from paragraph (a)(8) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place;
   d. Removing from paragraph (e)(1) and (e)(2) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place;
   e. Revising paragraphs (f) and (g); and
   f. Removing from paragraph (h) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

The revised text reads as follows:

22.407 Solicitation provision and contract clauses.
   (a) * * *
   (b) 52.222–13, Compliance with Construction Wage Rate Requirements and Related Regulations.
   * * * * *

   (f) Insert the clause at 52.222–31, Construction Wage Rate Requirements—Price Adjustment (Percentage Method), in solicitations and contracts if the contract is expected to be a fixed-price contract subject to the Construction Wage Rate Requirements statute that will contain option provisions by which the contracting officer may extend the term of the contract, and the contracting officer determines the most appropriate contract price adjustment method is the method at 22.404–12(c)(3).

   (g) Insert the clause at 52.222–32, Construction Wage Rate Requirements—Price Adjustment (Actual Method), in solicitations and contracts if the contract is expected to be a fixed-price contract subject to the Construction Wage Rate Requirements statute that will contain option provisions by which the contracting officer may extend the term of the contract, and the contracting officer determines the most appropriate method to establish contract price is the method at 22.404–12(c)(4).

161. Revise the heading of subpart 22.6 to read as follows:

Subpart 22.6—Contracts For Materials, Supplies, Articles, and Equipment Exceeding $15,000

162. Revise section 22.602 to read as follows:

22.602 Statutory requirements.
   Except for the exemptions at 22.604, all contracts subject to 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (the statute), and entered into by any executive department, independent establishment, or any agency or instrumentality of the United States, or by the District of Columbia, or by any corporation (all the stock of which is beneficially owned by the United States) for the manufacture or furnishing of materials, supplies, articles, and equipment (referred to in this subpart as supplies) in any amount exceeding $15,000, shall include or incorporate by reference the stipulations required by the statute pertaining to such matters as minimum wages, maximum hours, child labor, convict labor, and safe and sanitary working conditions.

22.604–1 [Amended]
   163. Amend section 22.604–1 by removing from the introductory text “the Act” and adding “the statute” in its place.

22.604–2 [Amended]
   164. Amend section 22.604–2 by removing from paragraph (a) introductory text and paragraph (a)(3) “the Act” and adding “the statute” in their places.

22.605 [Amended]
   165. Amend section 22.605 by
   a. Revising the section heading, and
   b. Removing from paragraphs (a) introductory text, (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) “the Act” and adding “the statute” in their places (eight times).

The revised text reads as follows:

22.605 Rulings and interpretations of the statute.
   * * * * *

22.608 [Amended]
   166. Amend section 22.608 by removing from paragraphs (a) and (b) “the Act” and adding “the statute” in their places.

167. Revise section 22.610 to read as follows:

22.610 Contract clause.
   The contracting officer shall insert the clause at 22.222–20, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000, in solicitations and contracts covered by the statute (see 22.603, 22.604, and 22.605).

168. Revise the heading of subpart 22.10 to read as follows:

Subpart 22.10—Service Contract Labor Standards

169. Revise section 22.1000 to read as follows:

22.1000 Scope of subpart.

170. Amend section 22.1001 by—
   a. Removing the definition “Act or Service Contract Act”;
   b. Removing from the definition “Contractor” the words “the Act” and adding “the statute” in its place; and
   c. Revising the definitions, “United States”, “Wage and Hour Division”, and “Wage determination” to read as follows:

22.1001 Definitions.
   * * * * *

   United States means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, Johnston Island, Wake Island, and the outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331, et seq.), but does not include any other place subject to U.S. jurisdiction or any U.S. base or possession within a foreign country (29 CFR 4.112).

   Wage and Hour Division means the unit in the Employment Standards Administration of the Department of Labor to which is assigned functions of the Secretary of Labor under the Service Contract Labor Standards statute.

   Wage determination means a determination of minimum wages or fringe benefits made under 41 U.S.C. 6703 or 6707(c) applicable to the employment in a given locality of one or more classes of service employees.

22.1002–1 [Amended]

172. Revise section 22.1003–2 to read as follows:


   The Service Contract Labor Standards statute applies to service contracts performed in the United States (see 22.1001). The Service Contract Labor
22.1003–3 Statutory exemptions. The Service Contract Labor Standards statute does not apply to—

(a) Any work required to be done in accordance with the provisions of 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000;

(b) Any work required to be done in accordance with the provisions of 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000;

(c) Removing from paragraphs (c)(1), (c)(2), and (c)(3) “Contract Act” and adding “Service Contract Labor Standards” in their places;

(d) Removing from paragraph (c)(4)(i) “Contract Act” and adding “Service Contract Labor Standards” in its place;

(e) Removing from paragraph (c)(6) “Contract Labor Standards statute” in its place;

(f) Removing from paragraph (c)(7) “Contract Labor Standards statute” in its place;

(g) Removing from paragraphs (c)(8)(i) and (c)(8)(ii) “Contract Labor Standards statute” in their places;

(h) Removing from paragraph (c)(9) “Construction Wage Rate Requirements statute” in its place;

(i) Awarded under 41 U.S.C. chapter 85. Committee for Purchase from People Who Are Blind or Severely Disabled (see subpart 8.7).

22.1003–5 [Amended]

175. Amend section 22.1003–5 by—

(a) Amending paragraph (a) to read as follows:

(a)(2) The contracting officer shall—

(i) Awarded under 41 U.S.C. chapter 85. Committee for Purchase from People Who Are Blind or Severely Disabled (see subpart 8.7).

(ii) Subject to 41 U.S.C. 6707(c) (see 22.1002–3).

22.1003–6 Repair distinguished from remanufacturing of equipment.

(a) Contracts principally for remanufacturing of equipment which is so extensive as to be equivalent to manufacturing are subject to 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000, rather than to the Service Contract Labor Standards statute. Remanufacturing shall be deemed to be manufacturing when the criteria in either paragraphs (a)(1) or (a)(2) of this subsection are met.

22.1003–7 Questions concerning applicability of the Service Contract Labor Standards statute.

22.1004 [Amended]

178. Amend section 22.1004 by removing from the introductory text and paragraph (c) “the Act” and adding “the Service Contract Labor Standards statute” in its place (three times).

179. Amend section 22.1006 by—

(a) Removing from the introductory text of paragraph (a)(2)(i) the words “Act of 1965” and “the Act” and adding “Labor Standards” and “the Service Contract Labor Standards statute” in their place, respectively;

(b) Removing from the introductory text of paragraph (a)(2)(ii) the words “Contract Act” and adding “Contract Labor Standards statute” in its place;

(c) Removing from paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) the words “Contract Act” and adding “Contract Labor Standards statute” in their places;

(d) Removing from paragraph (a)(3)(i) “Contract Act” and adding “Contract Labor Standards statute” in its place;

(e) Removing from paragraph (a)(3)(ii) “Contract Act” and adding “Contract Labor Standards statute” in its place;

(f) Removing from paragraphs (a)(3)(iii), (e)(4), and (f).

The revised text reads as follows:

22.1004 Solicitation provisions and contract clauses.

(a) * * * *(2) * * *

(ii) The contracting officer has made the determination, in accordance with paragraphs (c)(3) or (d)(3) of subsection 22.1003–4, that the Service Contract Labor Standards statute does not apply to the contract. (In such case, insert the clause at 52.222–51. Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements, or 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements, in the contract, in accordance with the prescription at paragraph (e)(2)(ii) or (e)(4)(ii) of this subsection).

(e)(1) The contracting officer shall insert the provision at 52.222–48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification, in solicitations that—
(i) Include the clause at 52.222–41, Service Contract Labor Standards; and
(ii) The contract may be exempt from the Service Contract Labor Standards statute in accordance with 22.1003–4(c).

(2) The contracting officer shall insert the clause at 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements—

(i) In solicitations that include the provision at 52.222–48, or the comparable provision is checked as applicable in the clause at 52.204–8(c)(2)(iii) or 52.212–3(k)(1); and

(ii) In resulting contracts in which the contracting officer has determined, in accordance with 22.1003–4(c)(3), that the Service Contract Labor Standards statute does not apply.

(3)(i) Except as provided in paragraph (e)(3)(ii) of this section, the contracting officer shall insert the provision at 52.222–41, Service Contract Labor Standards, and

(b) The contract may be exempt from the Service Contract Labor Standards statute in accordance with 22.1003–4(d).

(4) The contracting officer shall insert the clause at 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements—

(i) In solicitations that include the provision at 52.222–52, or the comparable provision is checked as applicable in 52.204–8(c)(2)(iv) or 52.212–3(k)(2); and

(ii) In resulting contracts in which the contracting officer has determined, in accordance with 22.1003–4(d)(3), that the Service Contract Labor Standards statute does not apply.

(f) The contracting officer shall insert the clause at 52.222–49, Service Contract Labor Standards—Place of Performance Unknown, if using the procedures prescribed in 22.1009–4.

22.1008–1 [Amended]

180. Amend section 22.1008–1 by removing from paragraph (e)(3) “whether Section 4(c) of the Act applies” and adding “whether 41 U.S.C. 6707(c) applies” in its place.

181. Amend section 22.1008–2 by—

a. Revising the section heading and paragraph (a);

b. Removing from paragraphs (b) introductory text and (c)(1) introductory text “Section 4(c) of the Act” and adding “41 U.S.C. 6707(c)” in its place; and

c. Removing from paragraphs (c) introductory text and (c)(2) introductory text “section 4(c) of the Act” and adding “41 U.S.C. 6707(c)” in its place;

d. Removing from paragraph (d)(1) “section 4(c) of the Act” and adding “41 U.S.C. 6707(c)” in its place; and

e. Removing from paragraph (d)(2) “applicability of the Act” and adding “applicability of the Service Contract Labor Standards statute” in its place; and

f. Removing from paragraph (e)(1) “Section 4(c) of the Act” and adding “41 U.S.C. 6707(c)” in its place.

The revised text reads as follows:

22.1008–2 Successorship with incumbent contractor collective bargaining agreement.

(a) Early in the acquisition cycle, the contracting officer shall determine whether 41 U.S.C. 6707(c) affects the new acquisition. The contracting officer shall determine whether there is a predecessor contract covered by the Service Contract Labor Standards statute and, if so, whether the incumbent prime contractor or its subcontractors and any of their employees have a collective bargaining agreement.

22.1009–4 [Amended]

182. Amend section 22.1009–4 by removing from paragraph (b) “Service Contract Act-Place” and adding “Service Contract Labor Standards-Place” in its place; and removing from paragraph (e)(3) “Service Contract Labor Standards-Place” and adding “Service Contract Labor Standards Place” in its place.

22.1012–2 [Amended]

183. Amend section 22.1012–2 by removing from paragraphs (a) and (b) “section 4(c) of the Act” and adding “41 U.S.C. 6707(c)” in their places (three times).

22.1015 [Amended]


22.1018 [Amended]

185. Amend section 22.1018 by—

a. Removing from paragraph (a) “the Act” and adding “the Service Contract Labor Standards statute” in its place; and

b. Removing from paragraph (b) “the Act” and “Service Contract Act of 1965” and adding “the Service Contract Labor Standards statute” and “Service Contract Labor Standards” in their place, respectively.

22.1019 [Amended]

186. Amend section 22.1019 by—

a. Removing from paragraph (a) “Service Contract Act of 1965” and adding “Service Contract Labor Standards” in its place; and

b. Removing from paragraph (c) “handicapped workers” and “Service Contract Act of 1965” and adding “disabled workers” and “Service Contract Labor Standards” in their place, respectively.

22.1020 [Amended]


22.1022 [Amended]

188. Amend section 22.1022 by removing “Service Contract Act of 1965” and “Service Contract Act” and adding “Service Contract Labor Standards” and “Service Contract Labor Standards statute” in their place, respectively.

189. Revise section 22.1023 to read as follows:

22.1023 Termination for default.

As provided by the Service Contract Labor Standards statute, any contractor failure to comply with the requirements of the contract clauses related to the Service Contract Labor Standards statute may be grounds for termination for default (see paragraph (k) of the clause at 52.222–41, Service Contract Labor Standards).

22.1025 [Amended]

190. Amend section 22.1025 by removing “the Act” and adding “the Service Contract Labor Standards statute” in its place twice.

22.1026 [Amended]


192. Revise section 22.1101 to read as follows:

22.1101 Applicability.

The Service Contract Act of 1965, now codified at 41 U.S.C. chapter 67, Service Contract Labor Standards, was enacted to ensure that Government contractors compensate their blue-collar service workers and some white-collar
service workers fairly, but it does not cover bona fide executive, administrative, or professional employees.

22.1204 [Amended]


■ 194. Revise section 22.1502 to read as follows:

22.1502 Policy.

Agencies must make appropriate action to enforce the laws prohibiting the manufacture or importation of products that have been mined, produced, or manufactured wholly or in part by forced or indentured child labor, consistent with 19 U.S.C. 1307. 29 U.S.C. 201, et seq., and 41 U.S.C. chapter 63. Agencies should make every effort to avoid acquiring such products.

PART 23 ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 195. The authority citation for 48 CFR part 23 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 196. Revise section 23.500 to read as follows:

23.500 Scope of subpart.

This subpart implements 41 U.S.C. chapter 81, Drug-Free Workplace.

■ 197. Revise section 23.502 to read as follows:

23.502 Authority.


■ 198. Amend section 23.704 by revising paragraph (b)(1)(ii) to read as follows:

23.704 Electronic products environmental assessment tool.

* * * * *

(b) * * *

(1) * * *

(ii) Is a voluntary consensus standard consistent with section 12(d) of Pub. L. 104–113 (15 U.S.C. 272 note), the “National Technology Transfer and Advancement Act of 1995”, (see 11.102(c));

* * * * *

PART 24 PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

■ 199. The authority citation for 48 CFR part 24 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

24.202 [Amended]

■ 200. Amend section 24.202 by—

a. Removing from the introductory text, and (c)(1) “Buy American Act” and adding “Buy American statute” in its place.

The revised text reads as follows:

25.000 Scope of part.

* * * * *

(b) It implements 41 U.S.C. chapter 83, Buy American; trade agreements; and other laws and regulations.

■ 203. Amend section 25.001 by—

a. Revising the introductory text of paragraph (a); and

■ 204. Amend section 25.002 by revising the entries for 25.1 through 25.6 in the table to read as follows:

25.002 Applicability of subparts.

* * * * *

Subpart | Supplies for use | Construction | Services performed |
--- | --- | --- | --- |
25.1 Buy American—Supplies | | X | | |
25.2 Buy American—Construction Materials | | | |
25.3 Contracts Performed Outside the United States | | X | | X |
25.4 Trade Agreements | X | X | | X |
25.5 Evaluating Foreign Offers—Supply Contracts | | X | | |
25.6 American Recovery and Reinvestment Act—Buy American statute—Construction Materials | | | |

* * * * *

■ 205. Revise the heading of subpart 25.1 to read as follows:

Subpart 25.1—Buy American—Supplies

■ 206. Amend section 25.100 by revising paragraphs (a)(1) and (a)(3) to read as follows:

25.100 Scope of subpart.

(a) * * *

(1) 41 U.S.C. chapter 83, Buy American;

* * * * *

(3) Waiver of the component test of the Buy American statute for acquisition of commercially available off-the-shelf (COTS) items in accordance with 41 U.S.C. 1907.

* * * * *

25.101 [Amended]

■ 207. Amend section 25.101 by—

a. Removing from the introductory text of paragraph (a) “Buy American Act” and adding “Buy American statute” in its place (two times);

■ 208. Amend section 25.101 by—


■ 209. The authority citation for 48 CFR parts 25 and 26 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.
25.103 [Amended]
■ 208. Amend section 25.103 by removing from the introductory text, paragraphs (a), (b) introductory text, and (b)(1)(i)(ii) (A) “Buy American Act” and adding “Buy American statute” in its place.

25.105 [Amended]
■ 209. Amend section 25.105 by removing from the introductory text of paragraph (b) “Buy American Act” and adding “Buy American statute” in its place.
■ 210. Revise the heading of subpart 25.2 to read as follows:

Subpart 25.2—Buy American—Construction Materials
■ 211. Amend section 25.200 by revising paragraphs (a)(1) and (a)(3) to read as follows:

25.200 Scope of subpart.
(a) * * *
(1) 41 U.S.C. chapter 83, Buy American;
* * * * *
(3) Waiver of the component test of the Buy American statute for acquisitions of commercially available off-the-shelf (COTS) items in accordance with 41 U.S.C. 1907.
* * * * *

25.202 [Amended]
■ 212. Amend section 25.202 by removing from paragraphs (a) introductory text and (a)(1) “Buy American Act” and adding “Buy American statute” in its place (three times).

25.203 [Amended]
■ 213. Amend section 25.203 by removing from paragraph (a) “Buy American Act” and adding “Buy American statute” in its place.

25.204 [Amended]
■ 214. Amend section 25.204 by removing from paragraph (b) “Buy American Act” and adding “Buy American statute” in its place.

25.205 [Amended]
■ 215. Amend section 25.205 by removing from paragraphs (a), (b), and (c) “Buy American Act” and adding “Buy American statute” in their places.

25.206 [Amended]
■ 216. Amend section 25.206 by removing from paragraphs (a), (c)(1), and (c)(3) “Buy American Act” and adding “Buy American statute” in their places (four times).

25.400 [Amended]
■ 217. Amend section 25.400 by removing from paragraph (a)(6) “Buy American Act” and adding “Buy American statute” in its place.

25.402 [Amended]
■ 218. Amend section 25.402 by removing from the introductory text of paragraph (a)(1) “Buy American Act” and adding “Buy American statute” in its place (two times).

25.405 [Amended]

25.406 [Amended]

25.407 [Amended]
■ 221. Amend section 25.407 by removing “Buy American Act” and adding “Buy American statute” in its place.

25.501 [Amended]
■ 222. Amend section 25.501 by removing from paragraph (d) “Buy American Act” and adding “Buy American statute” in its place.

25.502 [Amended]
■ 223. Amend section 25.502 by removing from paragraphs (c) introductory text, (c)(3), (d)(2), and (d)(3) “Buy American Act” and adding “Buy American statute” in its place.
■ 224. Amend section 25.504–1 by revising the section heading and removing from paragraphs (a), (b) and (b)(2) “Buy American Act” and adding “Buy American statute” in its place.

25.504–1 Buy American statute.
* * * * *

25.504–4 [Amended]
■ 225. Amend section 25.504–4 by removing from paragraph (b) under the heading “Problem” the words “Buy American Act” and adding “Buy American statute” in its place.
■ 226. Revise the heading of subpart 25.6 to read as follows:

Subpart 25.6—American Recovery and Reinvestment Act—Buy American Statute—Construction Materials

25.600 [Amended]
■ 227. Amend section 25.600 by removing “the Buy American Act” and adding “41 U.S.C. chapter 83, Buy American (referred to in this subpart as the Buy American statute)” in its place.

25.601 [Amended]
■ 228. Amend section 25.601 by removing from paragraph (1) of the definition “Domestic construction material” the words “Buy American Act” and adding “Buy American statute” in its place.
■ 229. Amend section 25.602–2 by revising the section heading and removing “Buy American Act” and adding “Buy American statute” in its place.
The revised text reads as follows:

25.602–2 Buy American statute.
* * * * *

25.603 [Amended]
■ 230. Amend section 25.603 by removing from paragraphs (a)(1) introductory text, (a)(1)(iii), and (a)(2) “Buy American Act” and adding “Buy American statute” in its place.
■ 231. Amend section 25.604 by revising the section heading and removing from paragraph (a) “Buy American Act” and adding “Buy American statute” in its place.
The revised text reads as follows:

25.604 Preaward determination concerning the inapplicability of section 1605 of the Recovery Act or the Buy American statute.
* * * * *

25.606 [Amended]
■ 232. Amend section 25.606 by removing from paragraphs (a), (b), and (c) “Buy American Act” and adding “Buy American statute” in its place.

25.607 [Amended]
■ 233. Amend section 25.607 by removing from paragraphs (a), (c)(1), and (c)(3) “Buy American Act” and adding “Buy American statute” in its places (four times).

25.700 [Amended]

25.1001 [Amended]

25.1101 [Amended]
■ 236. Amend section 25.1101 by—
a. Removing from the introductory text of paragraph (a)(1) “Buy American
Act” and adding “Buy American” in its place;
■ b. Removing from paragraphs (a)(1)(i), (c)(1), and (d) “Buy American” and adding “Buy American statute” in their places; and

25.1102 [Amended]
■ 237. Amend section 25.1102 by—
■ a. Removing from the introductory text of paragraph (a) “Buy American Act” and adding “Buy American” in its place;
■ b. Removing from paragraph (a)(1) “Buy American Act” and adding “Buy American statute” in its place;
■ c. Removing from paragraph (b)(1) “Buy American Act” and adding “Buy American” in its place;
■ d. Removing from paragraph (b)(2) “Buy American Act” and adding “Buy American statute” in its place;
■ e. Removing from the introductory text of paragraph (c) “Buy American Act” and adding “Buy American” in its place;
■ f. Removing from paragraphs (c)(1) and (c)(3) “Buy American Act” and adding “Buy American statute” in its place;
■ g. Removing from paragraph (d)(1) “Buy American Act” and adding “Buy American” in its place; and
■ h. Removing from paragraphs (d)(2), (e)(3)(i), and the introductory text of paragraph (e)(3)(ii) “Buy American Act” and adding “Buy American statute” in its place.

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.400 [Amended]
■ 239. Amend section 26.403 by revising the introductory text of paragraph (a) to read as follows:

26.403 Procedures.
(a) In accordance with the Federal Food Donation Act of 2008 an executive agency shall comply with the following:

PART 27—PATENTS, DATA, AND COPYRIGHTS

240. The authority citation for 48 CFR part 27 is added to read as follows:

PART 28—BONDS AND INSURANCE

243. The authority citation for 48 CFR part 28 continues to read as follows:

PART 29—STATUTORY REQUIREMENTS

244. Amend section 29.406–3 by removing from paragraph (a) “418a(d)” and adding “2302(e)” in its place.

PART 28—BONDS AND INSURANCE

(a) * * *
(4) When specified in the solicitation, the contracting officer may accept a bond from the direct writing company in satisfaction of the total bond requirement of the contract. This is permissible until necessary reinsurance agreements are executed, even though the total bond requirement may exceed the insurer’s underwriting limitation. The contractor shall execute and submit necessary reinsurance agreements to the contracting officer within the time specified on the bid form, which may not exceed 45 calendar days after the execution of the bond. The contractor shall use Standard Form 273, Reinsurance Agreement for a Bonds Statute Performance Bond, and Standard Form 274, Reinsurance Agreement for a Bonds Statute Payment Bond, when reinsurance is furnished with the required performance or payment bonds. Standard Form 275, Reinsurance Agreement in Favor of the United States, is used when reinsurance is furnished with bonds for other purposes.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

252. The authority citation for 48 CFR part 30 is revised to read as follows:

PART 27—PATENTS, DATA, AND COPYRIGHTS

240. The authority citation for 48 CFR part 27 is added to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.
PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205–1 [Amended]

a. Removing from the introductory text of paragraph (b) “41 U.S.C. 1792” and adding “42 U.S.C. 1792, see subpart 26.4)” in its place.

31.205–6 Compensation for personal services.

(6) Under 10 U.S.C. 2324(e)(1)(M) and 41 U.S.C. 4304(a)(13), the costs of severance payments to foreign nationals employed under a service contract performed outside the United States are unallowable to the extent that such payments exceed amounts typically paid to employees providing similar services in the same industry in the United States. Further, under 10 U.S.C. 2324(e)(1)(N) and 41 U.S.C. 4304(a)(14), all such costs of severance payments that are otherwise allowable are unallowable if the termination of employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States facility in that country at the request of the government of that country; this does not apply if the closing of a facility or curtailment of activities is made pursuant to a status-of-forces or other country-to-country agreement entered into with the government of that country before November 29, 1989. 10 U.S.C. 2324(e)(3) and 41 U.S.C. 4304(b) permit the head of the agency to waive these cost allowability limitations under certain circumstances (see 37.113 and the solicitation provision at 52.237–8).

31.205–47 [Amended]

a. Removing from paragraph (a) introductory text “subpart” and adding “subsection” in its place; and

b. Removing from paragraph (b) “41 U.S.C. 4304(a)” in its place; and


31.703 [Amended]

a. Removing from paragraph (b) “41 U.S.C. 256(e)” and adding “41 U.S.C. 4304(a)” in its place; and


PART 32—CONTRACT FINANCING

32.006–1 General.

(a) Under 10 U.S.C. 2307(i)(8), the statutory authority implemented by this section is available to the Department of Defense and the National Aeronautics and Space Administration; this statutory authority is not available to the United States Coast Guard. Under 41 U.S.C. 4506, this statutory authority is available to all agencies subject to Division C of subtitle I of title 41.

(b) 10 U.S.C. 2307(i)(2) and 41 U.S.C. 4506 provide for a reduction or suspension of further payments to a contractor when the agency head determines there is substantial evidence that the contractor’s request for advance, partial, or progress payments is based on fraud.

32.006–2 [Amended]

a. Removing from paragraph (a) and from the introductory text of paragraph (b) “41 U.S.C. 255(f)” and adding “41 U.S.C. 4505” in its place.

32.006–5 [Amended]


32.101 Authority.


32.102 [Amended]


32.112–1 [Amended]


32.112–2 [Amended]


32.201 [Amended]


32.202–4 [Amended]


32.401 Statutory authority.

(a) 41 U.S.C. chapter 45;
(b) 10 U.S.C. 2307; or

32.410 [Amended]


32.501–1 [Amended]

a. Removing from paragraph (d) “41 U.S.C. 255” and adding “41 U.S.C. 4504(b)” in its place.

32.604 [Amended]


32.606 [Amended]

32.703–3 [Amended]


32.800 [Amended]


32.805 [Amended]


PART 33—PROTESTS, DISPUTES, AND APPEALS

33.102 [Amended]

33.102 Amends section 33.102 by removing from paragraph (b) “41 U.S.C. 423(g)” and adding “41 U.S.C. 2106” in its place.

33.201 [Amended]

33.201 Amends section 33.201 by removing from the definition “Defective certification” the words “a person duly” and adding “a person” in its place.

33.207 [Amended]

33.207 Amends section 33.207 by—

a. Revising the section heading;

b. Removing from paragraph (a) “Contract Disputes Act of 1978” and adding “Disputes statute” in its place (two times);

c. Removing from paragraph (b) “under the Act” and adding “under the Dispute statute” in its place; and

d. Removing from paragraph (c) “Contract Disputes Act of 1978” and adding “Dispute statute” in its place; and removing “Subpart” and adding “subpart” in its place (two times).

The revised text reads as follows:

33.205 Relationship of the Disputes statute to Pub. L. 85–804.

* * * * *

33.207 [Amended]

33.207 Amends section 33.207 by—

a. Removing from paragraph (e) “duly”.

33.208 [Amended]

33.208 Amends section 33.208 by removing from paragraph (b) “the Act” and adding “the Disputes statute” in its place.

33.210 [Amended]

33.210 Amends section 33.210 by removing from the introductory text “the Act” and adding “the Disputes statute” in its place.

33.211 [Amended]

33.211 Amends section 33.211 by removing from paragraph (2) of the text in quotation marks following paragraph (a)(4)(v) “the Contract Disputes Act of 1978, 41 U.S.C. 603” and adding “41 U.S.C. 7102(d)” in its place.

33.213 [Amended]

33.213 Amends section 33.213 by removing from paragraph (a) “the Act” and adding “the Disputes statute” in its place (two times); and removing “41 U.S.C. 605(b)” and adding “41 U.S.C. 7103(g)” in its place.

PART 36—CONSTRUCTION AND ARCHITECT—ENGINEER

36.104 [Amended]


36.300 [Amended]


PART 37—SERVICE CONTRACTING

37.000 Scope of part.

* * * This part includes, but is not limited to, contracts for services to which 41 U.S.C. chapter 67, Service Contract Labor Standards, applies (see subpart 22.10).

37.106 [Amended]

37.106 Amends section 37.106 by removing from paragraph (b) “41 U.S.C. 253l” and adding “41 U.S.C. 3902” in its place.

37.107 Service Contract Labor Standards.

37.107 Service Contract Labor Standards.

41 U.S.C. chapter 67, Service Contract Labor Standards, provides for minimum wages and fringe benefits as well as other conditions of work under certain types of service contracts. Whether or not the Service Contract Labor Standards statute applies to a specific service contract will be determined by the definitions and exceptions given in the Service Contract Labor Standards statute, or implementing regulations.
37.202 [Amended]

- 295. Amend section 37.203 by revising paragraph (d)(2) to read as follows:

37.203 Policy.

* * * * *

(d) The contractor is a Federally-Funded Research and Development Center (FFRDC) as authorized in 41 U.S.C. 1709(c) and the work placed under the FFRDC’s contract meets the criteria of 35.017–3; or

* * * * *

- 296. Revise section 37.301 to read as follows:

37.301 Labor standards.

- Contracts for dismantling, demolition, or removal of improvements are subject to either 41 U.S.C. chapter 67, Service Contract Labor Standards, or 40 U.S.C. chapter 33, Planning and Solicitation, Wage Rate Requirements (Construction). If the contract is solely for dismantling, demolition, or removal of improvements, the Service Contract Labor Standards statute applies unless further work which will result in the construction, alteration, or repair of a public building or public work at that location is contemplated. If such further construction work is intended, even though by separate contract, then the Construction Wage Rate Requirements statute applies to the contract for dismantling, demolition, or removal.

37.302 [Amended]


37.401 [Amended]


PART 38—FEDERAL SUPPLY SCHEDULE CONTRACTING

- 299. The authority citation for 48 CFR part 38 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

38.101 [Amended]


PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

- 301. The authority citation for 48 CFR part 39 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

39.103 [Amended]


PART 41—ACQUISITION OF UTILITY SERVICES

- 303. The authority citation for 48 CFR part 41 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

41.101 [Amended]


- 305. The authority citation for 48 CFR parts 42, 43, and 44 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.703–1 [Amended]

- 306. Amend section 42.703–1 by—

  a. Removing from paragraph (a) “41 U.S.C. 254d(d)” and adding “41 U.S.C. 4706(e)” in its place; and
  b. Removing from the introductory text of paragraph (c) “41 U.S.C. 256(a)” and adding “41 U.S.C. 4303(a)” in its place.

42.703–2 [Amended]

- 307. Amend section 42.703–2 by—

  a. Removing from paragraph (a) “41 U.S.C. 256(b)” and adding “41 U.S.C. 4307” in its place; and
  b. Removing from paragraph (e) “41 U.S.C. 256(a) through (d)” and adding “41 U.S.C. 4303” in its place.

42.705–1 [Amended]

- 308. Amend section 42.705–1 by removing from paragraph (b)(4) introductory text “41 U.S.C. 256(f)” and adding “41 U.S.C. 4305” in its place.

42.705–3 [Amended]


42.709 [Amended]

- 310. Amend section 42.709 by removing from the introductory text of paragraph (a) “41 U.S.C. 256(a) through (d)” and adding “41 U.S.C. 4303” in its place.

- 311. Amend section 42.1203 by revising paragraph (a) to read as follows:

42.1203 Processing agreements.

(a) If a contractor wishes the Government to recognize a successor in interest to its contracts or a name change, the contractor must submit a written request to the responsible contracting officer (see 42.1202). If the contractor received its contract under subpart 8.7 under 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled, use the procedures at 8.716 instead.

* * * * *

42.1204 [Amended]

- 312. Amend section 42.1204 by removing from the introductory text of paragraph (a) “41 U.S.C. 15” and adding “41 U.S.C. 6305” in its place.

42.1601 [Amended]


PART 43—CONTRACT MODIFICATIONS

43.102 [Amended]

- 314. Amend section 43.102 by removing paragraph (c).

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

44.201–2 [Amended]

- 315. Amend section 44.201–2 by removing from paragraph (b) “41 U.S.C. 254(b)” and adding “41 U.S.C. 3905” in its place.

44.202–2 [Amended]


44.400 [Amended]

- 317. Amend section 44.400 by removing “with section 8002(b)(2) of
Public Law 103–355” and adding “with 41 U.S.C. 3307” in its place.

44.402 [Amended]

■ 318. Amend section 44.402 by removing from paragraph (b) “and Commercial Components”.

PART 46—QUALITY ASSURANCE

■ 319. The authority citation for 48 CFR part 46 is revised to read as follows:
Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

46.102 [Amended]

■ 320. Amend section 46.102 by removing from paragraph (f) “Section 8002 of Public Law 103–355” and adding “41 U.S.C. 3307” in its place.

PART 47—TRANSPORTATION

■ 321. The authority citation for 48 CFR part 47 is revised to read as follows:
Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 322. Amend section 47.202 by revising paragraph (a) to read as follows:

47.202 Presolicitation planning.
* * * * *

(a) The Service Contract Labor Standards statute requirement to obtain a wage determination by accessing the Wage Determination OnLine Web site (http://www.wdol.gov) using the WDOL process or by submitting a request directly to the Department of Labor on this Web site using the e98 process before the issuance of an invitation for bid, request for proposal, or commencement of negotiations for any contract exceeding $2,500 that may be subject to the Service Contract Labor Standards statute (see subpart 22.10);
* * * * *

PART 48—VALUE ENGINEERING

■ 323. The authority citation for 48 CFR part 48 is revised to read as follows:
Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

48.102 [Amended]

■ 324. Amend section 48.102 by—

a. Removing from paragraph (a) “Section 36 of the Office of Federal Procurement Policy Act (41 U.S.C. 401, et seq.)” and adding “41 U.S.C. 1711” in its place; and

b. Removing from paragraph (e) “41 U.S.C. 254(b)” and adding “41 U.S.C. 3905” in its place.

PART 49—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

■ 325. The authority citation for 48 CFR part 50 is revised to read as follows:
Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

50.101–2 [Amended]

■ 326. Amend section 50.101–2 by removing from paragraph (c) “the Contract Disputes Act of 1978” and adding “41 U.S.C. chapter 71, Contract Disputes” in its place; removing “Part” and adding “part” in its place (two times); and removing “Subpart” and adding “subpart” in its place.

50.102–3 [Amended]

■ 327. Amend section 50.102–3 by removing from paragraph (c) “10 U.S.C. 2304(a)(15)” or “41 U.S.C. 252(c)(14), or FAR”.

■ 328. Amend section 50.103–7 by revising paragraph (b) to read as follows:

50.103–7 Contract requirements.
* * * * *

(b) The authority in 50.101–1(a) shall not be used to omit from contracts, when otherwise required, the clauses at 52.203–5, Covenant Against Contingent Fees; 52.215–2, Audit and Records—Negotiation; 52.222–4, Contract Work Hours and Safety Standards—Overtime Compensation; 52.222–6, Construction Wage Rate Requirements; 52.222–10, Compliance With Copeland Act Requirements; 52.222–20, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000; 52.222–26, Equal Opportunity; and 52.232–23, Assignment of Claims.

PART 51—USE OF GOVERNMENT SOURCES BY CONTRACTORS

■ 329. The authority citation for 48 CFR part 51 is revised to read as follows:
Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 330. Amend section 51.101 by—

a. Revising the introductory text of paragraph (a)(3); and


The revised text reads as follows:

51.101 Policy.
(a) * * *

(3) A contract under 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled, if—
* * * * *

■ 331. The authority citation for 48 CFR parts 52 and 53 continues to read as follows:
Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 332. Amend section 52.203–5 by—

a. Revising the date of the clause; and

b. Removing from paragraph (a) “liability or,” in its discretion,” and adding “liability or” in its place.

The revised text reads as follows:

52.203–5 Covenant Against Contingent Fees.
* * * * *

Covenant Against Contingent Fees (MAY 2014)
* * * * *

■ 333. Amend section 52.203–7 by—

a. Revising the date of the clause; and

b. Removing from paragraph (a), in the definition “Kickback” the words “, directly or indirectly,.”

c. Revising the introductory text of paragraph (b); and

d. Removing from paragraph (c)(2) “Department of Justice” and adding “Attorney General” in its place.

The revised text reads as follows:

52.203–7 Anti-Kickback Procedures.
* * * * *

Anti-Kickback Procedures (MAY 2014)
* * * * *

(b) 41 U.S.C. chapter 87, Kickbacks, prohibits any person from—
* * * * *

■ 334. Amend section 52.203–8 by—

a. Revising the date of the clause; and

b. Revising the introductory text of paragraph (a), and the introductory text of paragraph (a)(2)(ii), and revising paragraph (a)(2)(ii) to read as follows:

52.203–8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.
* * * * *

Cancellation, Rescission, and Recovery of Funds for Illegal Or Improper Activity (MAY 2014)
* * * * *

(a) If the Government receives information that a contractor or a person has violated 41 U.S.C. 2102–2104, Restrictions on Obtaining and Disclosing Certain Information, the Government may—
* * * * *

(2) * * *

(i) The Contractor or someone acting for the Contractor has been convicted for an offense where the conduct
violates 41 U.S.C. 2102 for the purpose of either—

(ii) The head of the contracting activity has determined, based upon a preponderance of the evidence, that the Contractor or someone acting for the Contractor has engaged in conduct punishable under 41 U.S.C. 2105(a).

335. Amend section 52.203–10 by—

(a) Revising the date of the provision; and
(b) Revising paragraph (a); and
(c) Removing from paragraph (c) “Act” and adding “statute” in its place.

The revised text reads as follows:

52.203–10 Price or Fee Adjustment for Illegal or Improper Activity.

Price or Fee Adjustment for Illegal or Improper Activity (MAY 2014)

(a) The Government, at its election, may reduce the price of a fixed-price type contract and the total cost and fee under a cost-type contract by the amount of profit or fee determined as set forth in paragraph (b) of this clause if the head of the contracting activity or designee determines that there was a violation of 41 U.S.C. 2102 or 2103, as implemented in section 3.104 of the Federal Acquisition Regulation.

336. Amend section 52.204–8 by—

(a) Revising the date of the provision; and
(b) Revising paragraph (c)(1)(xvi), the introductory text of paragraph (c)(1)(xvii), and paragraphs (c)(2)(iii) and (c)(2)(iv).

The revised text reads as follows:

52.204–8 Annual Representations and Certifications.

Annual Representations and Certifications (MAY 2014)

(c)(1) * * *

(xvi) 52.225–2. Buy American Certificate. This provision applies to solicitations containing the clause at 52.225–1.

(xvii) 52.225–4. Buy American—Free Trade Agreements—Israeli Trade Act Certificate. (Basic, Alternates I, II, and III.) This provision applies to solicitations containing the clause at 52.225–3.


(iv) 52.222–52, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification.

337. Amend section 52.208–9 by—

(a) Revising the date of the clause;
(b) Revising from paragraph (a) “the Javits-Wagner-O’Day Act [41 U.S.C. 48]” and adding “41 U.S.C. 8504” in its place.

The revised text reads as follows:

52.208–9 Contractor Use of Mandatory Sources of Supply or Services.

Contractor Use of Mandatory Sources of Supply or Services (MAY 2014)

338. Amend section 52.212–3 by—

(a) Revising the date of the provision;
(b) Removing from the heading and introductory text of paragraph (f) the word “Act” (two times);
(c) Removing from paragraph (f)(1) “Act”;
(d) Removing from paragraph (g)(1) “American” and adding “American Act” and “American” in their places;
(e) Removing from paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) “American Act” adding “American” in their places respectively (three times);
(f) Removing from paragraphs (g)(2), (g)(3), and (g)(4) “American Act” and “American Act”, and adding “American” and “American Act” in their places wherever they appear;
(g) Removing from paragraph (g)(5)(ii) “American Act” and adding “American statute” in its place;
(h) Removing from the heading of paragraph (k) “Contract Act” and adding “Contract Labor Standards” in its place; and
(i) Removing from paragraph (k)(3)(i) “Contract Act” and adding “Contract Labor Standards” in its place.

339. Amend section 52.212–4 by—

(a) Revising the date of the clause;
(c) Removing from paragraph (j)(6)(i) “Section 611 of the Contract Disputes Act of 1978 (Public Law 95–563)” and adding “41 U.S.C. 7109” in its place;
(d) Revising paragraph (r); and
(e) Amending Alternate I by—

(i) Revising the date of Alternate I; and

The revised text reads as follows:

52.212–4 Contract Terms and Conditions—Commercial Items.

Contract Terms and Conditions—Commercial Items (MAY 2014)


Alternate I (MAY 2014).

340. Amend section 52.212–5 by—

(a) Revising the date of the clause;
(c) Removing from paragraph (b)(1) “41 U.S.C. 253q” and adding “41 U.S.C. 4704” in its place;
(d) Removing from paragraph (b)(2) “(Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C. 251 note)).” and adding “(41 U.S.C. 3509).” in its place;
(e) Revising paragraphs (b)(16), (b)(41) and (b)(42);
(f) Removing from paragraphs (b)(48) and (b)(49) “(41 U.S.C. 255(f)” and adding “(41 U.S.C. 4505)” in their places;
(g) Revising paragraph (b)(52);
(h) Revising paragraphs (c)(1) through (c)(8);


* * * * *

(e)(1) * * *

(ii) 52.219–8. Utilization of Small Business Concerns (MAY 2014) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds $650,000 ($1.5 million for construction of any public facility), the subcontractor must include 52.219–8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) 52.222–17. Nondisplacement of Qualified Workers (MAY 2014) (E.O. 13495). Flow down required in accordance with paragraph (l) of FAR clause 52.222–17.


* * * * *


* * * * *


* * * * *

341. Amend section 52.213–4 by—

(a) Revising the date of the Alternate;


(c) Revising paragraphs (a)(2)(vii) and (a)(2)(viii);

(d) Revising paragraphs (b)(1)(ii), (b)(1)(vii) and (b)(1)(x);

(e) Designating paragraphs (b)(1)(xii) through (b)(1)(xiii) as paragraph (b)(1)(xi) through (b)(1)(xiv) respectively;

(f) Adding a new paragraph (b)(1)(xi);

(g) Removing paragraph (b)(2)(iii); and

(h) Designating paragraphs (b)(2)(iv) and (b)(2)(v) as paragraphs (b)(2)(iv) and (b)(2)(v) respectively.

The revised text reads as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (MAY 2014)

* * * * *

(a) * * *

(2) * * *

(vii) 52.233–1, Disputes (MAY 2014).
(vii) 52.224–6, Subcontracts for Commercial Items (MAY 2014).

(b) * * * *

(1) * * * *

(ii) 52.22–20, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (MAY 2014) (41 U.S.C. chapter 65) (Applies to supply contracts over $15,000 in the United States, Puerto Rico, or the U.S. Virgin Islands).

* * * * *

(vii) 52.22–41, Service Contract Labor Standards (MAY 2014) (41 U.S.C. chapter 67) (Applies to service contracts over $2,500 that are subject to the Service Contract Labor Standards statute and will be performed in the United States, District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, Johnston Island, Wake Island, or the outer Continental Shelf.)

* * * * *

(x) 52.225–1, Buy American—Supplies (MAY 2014) (41 U.S.C. chapter 83) (Applies to contracts for supplies, and to contracts for services involving the furnishing of supplies, for use in the United States or its outlying areas, if the value of the supply contract or supply portion of a service contract exceeds the micro-purchase threshold and the acquisition—

(A) Is set aside for small business concerns; or

(B) Cannot be set aside for small business concerns (see 19.502–2), and does not exceed $25,000.)

* * * * *

(xi) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations (MAY 2014) (42 U.S.C. 1792) (Applies to contracts greater than $25,000 that provide for the provision, the service, or the sale of food in the United States).

* * * * *

342. Amend section 52.219–1 by revising the date of Alternate I and the checklist item “Asian-Pacific American” in paragraph (b)(9) to read as follows:

52.219–1 Small Business Program Representations.

* * * *

Alternate I (MAY 2014) * * *

* * * *

(9) * * * *

* * * * *

Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, Republic of Palau, Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

* * * * *

343. Amend section 52.219–8 by—

a. Revising the section heading and the date of the clause; and

b. Removing from paragraph (a) “contracts let” and adding “contracts awarded” in its place.

The revised text reads as follows:

52.219–8 Utilization of Small Business Concerns.

* * * *

Utilization of Small Business Concerns (MAY 2014)

* * * *

344. Amend section 52.222–4 by—

a. Revising the section and clause headings;

b. Removing from paragraph (b) “Standards Act” and adding “Standards statute (found at 40 U.S.C. chapter 37)” in its place;

c. Removing from paragraph (c) “Standards Act”; and

d. Removing from paragraph (d)(1) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

The revised text reads as follows:

52.222–4 Contract Work Hours and Safety Standards—Overtime Compensation.

* * * *

Contract Work Hours and Safety Standards—Overtime Compensation (MAY 2014)

* * * *

345. Amend section 52.222–5 by—

a. Revising the section and provision headings; and

b. Removing from paragraph (a)(1) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

The revised text reads as follows:

52.222–5 Construction Wage Rate Requirements—Secondary Site of the Work.

* * * *

Construction Wage Rate Requirements—Secondary Site of the Work (MAY 2014)

* * * *

346. Amend section 52.222–6 by—

a. Revising the section and clause headings;

b. Removing from paragraph (b)(2) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place;

c. Removing from paragraph (b)(4) “Davis-Bacon” and adding “Construction Wage Rate Requirements (Davis-Bacon Act)” in its place; and

d. Removing from paragraph (e) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

The revised text reads as follows:

52.222–6 Construction Wage Rate Requirements.

* * * *

Construction Wage Rate Requirements (MAY 2014)

* * * *

347. Amend section 52.222–7 by revising the date of the clause; and removing from the clause “Davis-Bacon”.

The revised text reads as follows:

52.222–7 Withholding of Funds.

* * * *

Withholding of Funds (MAY 2014)

* * * *

348. Amend section 52.222–8 by revising the date of the clause and paragraph (a) to read as follows:

52.222–8 Payrolls and Basic Records.

* * * *

Payrolls and Basic Records (MAY 2014)

(a) Payrolls and basic records relating thereto shall be maintained by the Contractor during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in 40 U.S.C. 3141(2)(B) (Construction Wage Rate Requirement statute), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found, under paragraph (d) of the clause entitled Construction Wage Rate Requirements, that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in 40 U.S.C. 3141(2)(B), the Contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records
which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

* * * * *

349. Amend section 52.222–11 by—

a. Revising the date of the clause;

b. Removing from paragraph (a)(4) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place, and removing “site of work” and adding “site of the work” in its place;

c. Removing from paragraph (a)(5) “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place; and

d. Revising paragraphs (b)(1), (b)(2), and (b)(10) to read as follows:

52.222–11 Subcontracts (Labor Standards).

Subcontracts (Labor Standards) (MAY 2014)

* * * * *

Subcontracts (Labor Standards) (MAY 2014)

* * * * *

(b) * * *

(1) Construction Wage Rate Requirements;

(2) Contract Work Hours and Safety Standards—Overtime Compensation (if the clause is included in this contract);

* * * * *

(10) Compliance with Construction Wage Rate Requirements and Related Regulations; and

* * * * *

350. Revising section 52.222–12 to read as follows:

52.222–12 Contract Termination—Debarment.

As prescribed in 22.407(a), insert the following clause:

Contract Termination—Debarment (MAY 2014)

A breach of the contract clauses entitled Construction Wage Rate Requirements, Contract Work Hours and Safety Standards—Overtime Compensation, Apprentices and Trainees, Payrolls and Basic Records, Compliance with Copeland Act Requirements, Subcontracts (Labor Standards), Compliance with Construction Wage Rate Requirements and Related Regulations, or Certification of Eligibility may be grounds for termination of the contract, and for debarment as a Contractor and subcontractor as provided in 29 CFR 5.12.

(End of Clause)

351. Revise section 52.222–13 to read as follows:

52.222–13 Compliance With Construction Wage Rate Requirements and Related Regulations.

As prescribed in 22.407(a), insert the following clause:

Compliance With Construction Wage Rate Requirements and Related Regulations (MAY 2014)

All rulings and interpretations of the Construction Wage Rate Requirements and related statutes contained in 29 CFR parts 1, 3, and 5 are hereby incorporated by reference in this contract.

(End of clause)

352. Amend section 52.222–15 by revising the date of the clause, and paragraphs (a) and (b), to read as follows:

52.222–15 Certification of Eligibility.

* * * * *

Certification of Eligibility (MAY 2014)

(a) By entering into this contract, the Contractor certifies that neither it nor any person or firm who has an interest in the Contractor’s firm is a person or firm ineligible to be awarded Government contracts by virtue of 40 U.S.C. 3144(b)(2) or 29 CFR 5.12(a)(1).

(b) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of 40 U.S.C. 3144(b)(2) or 29 CFR 5.12(a)(1).

* * * * *

353. Amend section 52.222–16 by—

a. Revising the date of the clause; and

b. Removing from the clause “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

The revised text reads as follows:

52.222–16 Approval of Wage Rates.

* * * * *

Approval of Wage Rates (MAY 2014)

(a) All stipulations required by 41 U.S.C. 6508.

* * * * *

354. Amend section 52.222–17 by—

a. Revising the date of the clause; and

b. Removing from paragraph (c)(1) “Act” and adding “Labor Standards statute” in its place.

The revised text reads as follows:

52.222–17 Nondisplacement of Qualified Workers.

* * * * *

Nondisplacement of Qualified Workers (MAY 2014)

* * * * *

355. Revise section 52.222–20 to read as follows:

52.222–20 Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000.

As prescribed in 22.610, insert the following clause in solicitations and contracts:

Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (MAY 2014)

If this contract is for the manufacture or furnishing of materials, supplies, articles or equipment in an amount that exceeds or may exceed $15,000, and is subject to 41 U.S.C. chapter 65, the following terms and conditions apply:

(a) All stipulations required by 41 U.S.C. chapter 65 and regulations issued by the Secretary of Labor (41 CFR Chapter 50) are incorporated by reference. These stipulations are subject to all applicable rulings and interpretations of the Secretary of Labor that are now, or may hereafter, be in effect.

(b) All employees whose work relates to this contract shall be paid not less than the minimum wage prescribed by regulations issued by the Secretary of Labor (41 CFR 50–202.2). Learners, student learners, apprentices, and workers with disabilities may be employed at less than the prescribed minimum wage (see 41 CFR 50–202.3) to the same extent that such employment is permitted under section 14 of the Fair Labor Standards Act (41 U.S.C. 6508).

(End of clause)

356. Amend section 52.222–30 by—

a. Revising the section and clause headings; and

b. Removing from paragraphs (a) and (b)(3) the words “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place.

The revised text reads as follows:

52.222–30 Construction Wage Rate Requirements—Price Adjustment (None or Separately Specified Method).

* * * * *

Construction Wage Rate Requirements—Price Adjustment (None or Separately Specified Method) (MAY 2014)

* * * * *

357. Amend section 52.222–31 by—

a. Revising the section and clause headings; and

b. Removing from paragraphs (a), (b) introductory text, (b)(1), (b)(2), and (c)(3) the words “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in their places.
The revised text reads as follows:

52.222–31 Construction Wage Rate Requirements—Price Adjustment (Percentage Method).
* * * * *

Construction Wage Rate Requirements—Price Adjustment (Percentage Method) (MAY 2014)
* * * * *

358. Amend section 52.222–31 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (a) the words “Davis-Bacon Act” and adding “Construction Wage Rate Requirements statute” in its place;
■ c. Removing from paragraphs (c)(1) and (c)(2) the words “Davis-Bacon Act” and adding “Construction Wage Rate Requirements” in its place.

The revised text reads as follows:

52.222–32 Construction Wage Rate Requirements—Price Adjustment (Actual Method).
* * * * *

Construction Wage Rate Requirements—Price Adjustment (Actual Method) (MAY 2014)
* * * * *

359. Amend section 52.222–32 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (a) the definition “Act”;
■ c. Removing from paragraph (b) “the Act” and “41 U.S.C. 356” and adding “41 U.S.C. chapter 67, Service Contract Labor Standards,” and “41 U.S.C. 6702” in their places, respectively;
■ d. Removing from paragraphs (c)(2)(v) and (f) “the Act” and adding “the Service Contract Labor Standards statute” in their places;
■ e. Removing from paragraph (g) “section 2(a)(4) of the Act” and adding “41 U.S.C. 6703” in its place;
■ f. Removing from paragraphs (i)(1) introductory text and (i)(1)(i) “the Act” and adding “the Service Contract Labor Standards statute” in its place;
■ g. Removing from paragraph (i) “the Act” and “this Act” and adding “the Service Contract Labor Standards statute” and “this statute” in their places, respectively;
■ h. Removing from paragraphs (k), (l), and (o) “the Act” and adding “the Service Contract Labor Standards statute” in their places; (four times)
■ i. Revising paragraph (p)(1);
■ j. Removing from paragraph (p)(2) “section 5 of the Act” and adding “41 U.S.C. 6706” in its place;
■ k. Removing from the introductory text of paragraph (q) “section 4(b) of the Act” and adding “41 U.S.C. 6707” in its place;
■ l. Revising paragraphs (q)(1) and (q)(2);
■ m. Removing from the introductory text of paragraph (s) “section 2(a)(1) or section 2(b)(1) of the Act” and adding “41 U.S.C. 6703(1)” in its place;
■ n. Removing from paragraph (s)(3) “Contract Act” and adding “Contract Labor Standards” in its place; and
■ o. Removing from paragraph (s)(4) “section 4(c) of the Act” and adding “41 U.S.C. 6707(c)” in its place.

The revised text reads as follows:

52.222–41 Service Contract Labor Standards.
* * * * *

Service Contract Labor Standards (MAY 2014)
* * * * *

(p) * * *

(1) By entering into this contract, the Contractor (and officials thereof) certifies that neither it nor any person or firm who has a substantial interest in the Contractor’s firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed under 41 U.S.C. 6706.

The revised text reads as follows:

52.222–42 Statement of Equivalent Rates for Federal Hires.
* * * * *

Statement of Equivalent Rates for Federal Hires (MAY 2014)

In compliance with the Service Contract Labor Standards statute and the regulations of the Secretary of Labor (29 CFR part 4), this clause identifies the classes of service employees expected to be employed under the contract and states the wages and fringe benefits payable to each if they were employed by the contracting agency subject to the provisions of 5 U.S.C. 5341 or 5332.

360. Amend section 52.222–42 by—
■ a. Revising the section and clause headings; and

The revised text reads as follows:

52.222–43 Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts).
* * * * *

Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (MAY 2014)
* * * * *

361. Amend section 52.222–43 by—
■ a. Revising the section and clause headings; and

The revised text reads as follows:

* * * * *

Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (MAY 2014)
* * * * *

362. Amend section 52.222–44 by revising the section and clause headings to read as follows:

* * * * *

Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (MAY 2014)
* * * * *

363. Amend section 52.222–45 by—
■ a. Revising the section and clause headings;
■ b. Removing from the introductory text of paragraph (b) “Contract Act” and adding “Contract Labor Standards statute” in its place; and
■ c. Removing from paragraph (b)(1) “Act of 1965” and adding “Labor Standards” in its place; and
d. Removing from paragraphs (b)(2), (c)(1), and (c)(2) the words “Contract Act” and adding “Contract Labor Standards” in its place.

The revised text reads as follows:

* * * * *

Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification (MAY 2014)  
* * * * *

■ 364. Amend section 52.222–49 by—
■ a. Revising the section and clause headings; and
■ b. Removing from paragraph (a) “Contract Act” and adding “Contract Labor Standards statute” in its place.

The revised text reads as follows:

52.222–49 Service Contract Labor Standards—Place of Performance Unknown.  
* * * * *

Service Contract Labor Standards—Place of Performance Unknown (MAY 2014)  
* * * * *

■ 365. Amend section 52.222–51 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (e) “Contract Act” and adding “Contract Labor Standards statute” in its place.

The revised text reads as follows:

52.222–51 Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements.  
* * * * *

Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (MAY 2014)  
* * * * *

■ 367. Amend section 52.222–53 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraphs (f) and (g) “Contract Act” and adding “Contract Labor Standards statute” in their places.

The revised text reads as follows:

52.222–52 Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification.  
* * * * *

Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification (MAY 2014)  
* * * * *

■ 368. Amend section 52.225–1 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (2) of the definition “Commercially available off-the-shelf (COTS) item” in paragraph (a), “section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)” and adding “46 U.S.C. 40102(4)” in its place;
■ c. Revising paragraph (b); and
■ d. Removing from paragraph (d) the word “Act”.

The revised text reads as follows:

52.225–1 Buy American—Supplies.  
* * * * *

Buy American—Supplies (MAY 2014)  
* * * * *

(b) 41 U.S.C. chapter 83, Buy American, provides a preference for domestic end products for supplies acquired for use in the United States. In accordance with 41 U.S.C. 1907, the component test of the Buy American statute is waived for an end product that is a COTS item (See 12.505(a)(1)). * * *

Alternate I (MAY 2014). * * *
* * * * *

Alternate II (MAY 2014). * * *
* * * * *

Alternate III (MAY 2014). * * *
* * * * *

■ 371. Amend section 52.225–4 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraphs (a), (b) and (c) “American Act—” and adding “American—” in their places; and
c. Amend Alternate I by—
   i. Revising the date of the Alternate;
   ii. Removing from paragraphs (b),
       “American Act—” and adding “American—” in its place;
   iii. Revising Alternate II by—
        i. Revising the date of the Alternate;
        ii. Removing from paragraph (b)
            “American Act—” and adding “American—” in its place;
   iv. Amending Alternate III by—
        i. Revising Alternate I by revising the date of the Alternate and paragraph
            (b)(1).

The revised text reads as follows:

52.225–4 Buy American—Free Trade Agreements—Israeli Trade Act Certificate.

Buy American—Free Trade Agreements—Israeli Trade Act Certificate (MAY 2014)

Alternate I (MAY 2014).

Alternate II (MAY 2014).

Alternate III (MAY 2014).

372. Amend section 52.225–6 by—
   a. Revising the date of the provision;
   b. Removing from paragraph (c)
      “American Act” and adding “American statute” in its place.

The revised text reads as follows:

52.225–6 Trade Agreements Certificate.

Trade Agreements Certificate (MAY 2014)

373. Amend section 52.225–7 by—
   a. Revising the section and provision headings;
   b. Removing from paragraph (b)
      “American Act” and adding “American statute” in its place.

The revised text reads as follows:

52.225–7 Waiver of Buy American Statute for Civil Aircraft and Related Articles.

Waiver of Buy American Statute for Civil Aircraft and Related Articles (MAY 2014)

374. Amend section 52.225–9 by—
   a. Revising the section and clause headings;
   b. Removing from paragraph (2) of the definition “Commercially available off-
      the-shelf (COTS) item” in paragraph (a), “section 3 of the Shipping Act of 1984
      (46 U.S.C. App. 1702)” and adding “46 U.S.C. 40102(4)” in its place;
   c. Revising paragraph (b)(1);
   d. Removing from paragraphs (b)(3)(i) and (b)(3)(ii) “American Act” and adding “American statute” in their places respectively;
   e. Removing from the heading of paragraph (c) “American Act” and adding “American statute” in its place; and
   f. Removing from paragraphs (c)(2) and (c)(3) “American Act” wherever it appears and adding “American statute” in their places respectively.

The revised text reads as follows:

52.225–9 Buy American—Construction Materials.

Buy American—Construction Materials (MAY 2014)

(1) This clause implements 41 U.S.C. chapter 83, Buy American, by providing a preference for domestic construction material. In accordance with 41 U.S.C. 1907, the component test of the Buy American statute is waived for construction material that is a COTS item. (See FAR 12.505(a)(2)). The Contractor shall use only domestic construction material in performing this contract, except as provided in paragraphs (b)(2) and (b)(3) of this clause.

375. Amend section 52.225–10 by—
   a. Revising the section and provision headings;
   b. Removing from paragraph (a)
      “Act”;
   c. Removing from paragraph (b)
      “American Act” and adding “American statute” in its place (two times);
   d. Removing from paragraph (c)(1)
      “American Act” and adding “American statute” in its place;
   e. Amend Alternate I by—
      i. Revising the date of the Alternate;
      ii. Removing from paragraph (b)
          “American Act” and adding “American statute” in its place.

The revised text reads as follows:


Notice of Buy American Requirement—Construction Materials (MAY 2014)

Alternate I (MAY 2014).

376. Amend section 52.225–11 by—
   a. Revising the section and clause headings;
   b. Removing from paragraph (2) of the definition “Commercially available off-
      the-shelf (COTS) item” in paragraph (a), “section 3 of the Shipping Act of 1984
      (46 U.S.C. App. 1702)” and adding “46 U.S.C. 40102(4)” in its place;
   c. Revising paragraph (b)(1);
   d. Removing from paragraphs (b)(4)(i) and (b)(4)(ii) “American Act” and adding “American statute” in its place;
   e. Removing from the heading of paragraph (c) “American Act” and adding “American statute” in its place;
   f. Removing from paragraph (c)(2) and (c)(3) “American Act” and adding “American statute” in its place (three times); and
   g. Amend Alternate I by revising the date of the Alternate and paragraph
      (b)(1).

The revised text reads as follows:

52.225–11 Buy American—Construction Materials Under Trade Agreements.

Buy American—Construction Materials Under Trade Agreements (MAY 2014)

(1) This clause implements 41 U.S.C. chapter 83, Buy American, by providing a preference for domestic construction material. In accordance with 41 U.S.C. 1907, the component test of the Buy American statute is waived for construction material that is a COTS item. (See FAR 12.505(a)(2)). In addition, the Contracting Officer has determined that the WTO GPA and Free Trade Agreements (FTAs) apply to this acquisition. Therefore, the Buy American restrictions are waived for designated country construction materials.

Alternate I (MAY 2014).

(1) This clause implements 41 U.S.C. chapter 83, Buy American, by providing a preference for domestic construction material. In accordance with 41 U.S.C. 1907, the component test of the Buy American statute is waived for construction material that is a COTS item. (See FAR 12.505(a)(2)). In addition, the Contracting Officer has determined that the WTO GPA and Free Trade Agreements (FTAs) apply to this acquisition. Therefore, the Buy American restrictions are waived for designated country construction materials.
b. Removing from paragraph (a) “American Act” and adding “American statute” in its place;

- c. Revising paragraph (b);
- d. Removing from the introductory text of paragraph (c)(1) “American Act” and adding “American statute” in its place;
- e. Amend Alternate I by—
  - i. Revising the date of the Alternate; and
  - ii. Removing from paragraph (b) “American Act” and adding “American statute” in its place.

The revised text reads as follows:


(b) Requests for determinations of inapplicability. An offeror requesting a determination regarding the inapplicability of section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act) or the Buy American statute should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225–21 in the request. If an offeror has not requested a determination regarding the inapplicability of section 1605 of the Recovery Act or the Buy American statute before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

Alternate I (MAY 2014).


MATERIALS (MAY 2014)


(b) Requests for determinations of inapplicability. An offeror requesting a determination regarding the inapplicability of section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act) or the Buy American statute should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225–21 in the request. If an offeror has not requested a determination regarding the inapplicability of section 1605 of the Recovery Act or the Buy American statute before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

Alternate I (MAY 2014).


(MAY 2014)

MATERIALS (MAY 2014)


(b) Requests for determinations of inapplicability. An offeror requesting a determination regarding the inapplicability of section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act) or the Buy American statute should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225–21 in the request. If an offeror has not requested a determination regarding the inapplicability of section 1605 of the Recovery Act or the Buy American statute before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

Alternate I (MAY 2014).
52.226–6 Promoting Excess Food Donation to Nonprofit Organizations.
* * * * *
Promoting Excess Food Donation to Nonprofit Organizations (May 2014)
* * * * *

* * * * *
Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns (May 2014)
* * * * *

52.232–5 Payments Under Fixed-Price Construction Contracts.
* * * * *
 Payments Under Fixed-Price Construction Contracts (May 2014)
* * * * *

52.232–17 Interest.
* * * * *
Interest (May 2014)
* * * * *

Technical Data Declaration, Revision, and Withholding of Payment—Major Systems (May 2014)
* * * * *

52.228–12 Prospective Subcontractor Requests for Bonds.
* * * * *
Prospective Subcontractor Requests for Bonds (May 2014)

In accordance with section 806(a)(3) of Pub. L. 102–190, as amended by sections 2091 and 8105 of Pub. L. 103–355 (10 U.S.C. 2302 note), upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of this contract for which a payment bond has been furnished to the Government pursuant to 40 U.S.C. chapter 31, subchapter III, Bonds, the Contractor shall promptly provide a copy of such payment bond to the requester.

(End of clause)
52.232–23 Assignment of Claims.

* * * * *

Assignment of Claims (May 2014)

* * * * *

■ 396. Amend section 52.232–24 by revising the date of the clause and the clause to read as follows:

52.232–24 Prohibition of Assignment of Claims.

* * * * *

Prohibition of Assignment of Claims (May 2014)

The assignment of claims under the Assignment of Claims Act of 1940 (“31 U.S.C. 3727, 41 U.S.C. 6305”) is prohibited for this contract.

* * * * *

■ 397. Amend section 52.232–27 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (e) “(May 2014)”.

52.232–27 Prompt Payment for Construction Contracts.

* * * * *

Prompt Payment for Construction Contracts (May 2014)

* * * * *

■ 398. Amend section 52.232–31 by—

■ a. Revising the date of the clause and paragraph (a); and


The revised text reads as follows:

52.232–28 Prompt Payment for Construction Contracts.

* * * * *

52.232–31 Invitation to Propose Financing Terms.

* * * * *

Invitation To Propose Financing Terms (May 2014)

* * * * *

■ 399. Amend section 52.232–36 by—

■ a. Revising the date of the clause; and


The revised text reads as follows:

52.232–36 Payment by Third Party.

* * * * *

Payment by Third Party (May 2014)

* * * * *

■ 400. Amend section 52.233–1 by—

■ a. Revising the date of the clause and paragraph (a);

■ b. Removing from paragraph (b) “the Act” and adding “(1) U.S.C. section 71” in its place;

■ c. Removing from paragraph (c) “the Act” and adding “41 U.S.C. 7109” in its place;

■ d. Removing from paragraphs (d)(2)(iii) and (d)(3) “duly”;

■ e. Removing from paragraph (f) “the Act” and adding “41 U.S.C. 7109” in its place.

The revised text reads as follows:

52.233–1 Disputes.

* * * * *

Disputes (May 2014)

(a) This contract is subject to 41 U.S.C. chapter 71, Contract Disputes.

* * * * *

■ 401. Amend section 52.234–4 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (f)”a duly” and adding “an” in its place.

The revised text reads as follows:

52.234–4 Earned Value Management System.

* * * * *

Earned Value Management System (May 2014)

* * * * *

■ 402. Amend section 52.237–9 by—

■ a. Revising the date of the clause; and


The revised text reads as follows:

52.237–9 Waiver of Limitation on Severance Payments to Foreign Nationals.

* * * * *

Waiver of Limitation on Severance Payments to Foreign Nationals (May 2014)

* * * * *

■ 403. Amend section 52.242–3 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (b) “41 U.S.C. 256” and adding “41 U.S.C. chapter 43” in its place; and


The revised text reads as follows:

52.242–3 Penalties for Unallowable Costs.

* * * * *

Penalties for Unallowable Costs (May 2014)

* * * * *

■ 404. Amend section 52.244–6 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (c)(1)(i) “(Pub. L. 110–252, Title VI, Chapter 1)” and adding “(41 U.S.C. 7109)” in its place; and

■ c. Revising paragraph (c)(1)(iii).

The revised text reads as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (May 2014)

* * * * *

PART 53—FORMS

53.214 [Amended]

■ 405. Amend section 53.214 by removing from the heading of paragraph (a) “(Rev. 5/2011)” and adding “(Rev. 3/2013)” in its place.

53.215–1 [Amended]

■ 406. Amend section 53.215–1 by removing from the heading of paragraph (a) “(Rev. 5/2011)” and adding “(Rev. 3/2013)” in its place.

■ 407. Amend section 53.222 by revising paragraphs (c), (d), (e), (f), and (h) to read as follows:

53.222 Application of labor laws to Government acquisitions (SF’s 308, 1093, 1413, 1444, 1445, 1446, WH–347).

* * * * *

(c) SF 308 (DOL) (Rev. 2/2013), Request for Wage Determination and Response to Request. (See 22.404–3 (a) and (b).)

(d) SF 1093 (Rev. 2/2013), Schedule of Withholdings Under the Construction Wage Rate Requirements Statute (40 U.S.C. Chapter 31, Subchapter IV, section 3144) and/or the Contract Work Hours and Safety Standards Statute (40 U.S.C. Chapter 37, section 3703). (See 22.404–9(c)(1).

(e) SF 1413 (Rev. 4/2013), Statement and Acknowledgment. SF 1413 is prescribed for use in obtaining
contractor acknowledgment of inclusion of required clauses in subcontracts, as specified in 22.406–5.

(f) Form SF 1444 (Rev. 4/2013), Request for Authorization of Additional Classification and Rate. (See 22.406–3(a) and 22.1019.)

(h) SF 1446 (Rev. 4/2013), Labor Standards Investigation Summary Sheet. (See 22.406–8(d.).)

---

53.228 [Amended]

- 408. Amend section 53.228 by—
  - a. Removing from the heading of paragraph (b) “(Rev. 5/96)” and adding “(Rev. 3/2013)” in its place;
  - b. Removing from the heading of paragraph (c) “(Rev. 10/98)” and adding “(Rev. 3/2013)” in its place; and
  - c. Removing from paragraphs (h) and (i) “(Rev.10/98)” and “Miller Act” and adding “(Rev. 4/2013)” and “Bonds statute” in their places, respectively.

53.236–2 [Amended]

- 409. Amend section 53.236–2 by removing from the heading of paragraph (b) “(1/04)” and adding “(Rev. 3/2013)” in its place.

- 410. Revise section 53.301–25 to read as follows:

53.301–25 Performance Bond.

BILLING CODE 6820–EP–P
411. Revise section 53.301–25A to read as follows:

53.301–25A Payment Bond.

INSTRUCTIONS

1. This form is authorized for use in connection with Government contracts. Any deviation from this form will require the written approval of the Administrator of General Services.

2. Insert the full legal name and business address of the Principal in the space designated “Principal” on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.

3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury’s list of approved sureties and must act within the limitation listed therein. Where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed “CORPORATE

SURETY(IES).” In the space designated “SURETY(IES)” on the face of the form, insert only the letter identification of the sureties.

(b) Where individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning their financial capability.

4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the words “Corporate Seal”, and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.

5. Type the name and title of each person signing this bond in the space provided.
# Payment Bond

(See instructions on reverse)

<table>
<thead>
<tr>
<th>Date Bond Executed (Must be same or later than date of contract)</th>
<th>OMB Number: 9000-0045</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiration Date: 6/30/2016</td>
<td></td>
</tr>
</tbody>
</table>

**Paperwork Reduction Act Statement:** Public reporting burden for this collection of information is estimated to average 60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to U.S. General Services Administration, Regulatory Secretariat (MVC8]()IC 9000-0045, Office of Governmentwide Acquisition Policy, 1800 F Street, NW, Washington, DC 20405.

**Principal:** (Legal name and business address)

**Type of Organization:** (*one*)

- [ ] Individual
- [ ] Partnership
- [ ] Joint Venture
- [ ] Corporation

**State of Incorporation**

**Surety(ies):** (Name(s) and business address(es))

**Penal Sum of Bond:**

<table>
<thead>
<tr>
<th>Million(s)</th>
<th>Thousand(s)</th>
<th>Hundred(s)</th>
<th>Cents</th>
</tr>
</thead>
</table>

**Contract Date**

**Contract No.**

## Obligation:
We, the Principal and Surety(ies), are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” as well as “severally” only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit is indicated, the limit of liability is the full amount of the penal sum.

## Conditions:
The above obligation is void if the Principal promptly makes payment to all persons having a direct relationship with the Principal or a subcontractor of the Principal for furnishing labor, material or both in the prosecution of the work provided for in the contract identified above, and any authorized modifications of the contract that subsequently are made. Notice of those modifications to the Surety(ies) are waived.

## Witness:
The Principal and Surety(ies) executed this payment bond and affixed their seals on the above date.

### Principal

<table>
<thead>
<tr>
<th>Signature(s)</th>
<th>1.</th>
<th>2.</th>
<th>3.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s) &amp; Title(s) (Typed)</td>
<td>1.</td>
<td>2.</td>
<td>3.</td>
</tr>
<tr>
<td>Corporate Seal</td>
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<td></td>
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</tr>
</tbody>
</table>

### Individual Surety(ies)

<table>
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<tr>
<th>Signature(s)</th>
<th>1.</th>
<th>2.</th>
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</thead>
<tbody>
<tr>
<td>Name(s) (Typed)</td>
<td>1.</td>
<td></td>
</tr>
</tbody>
</table>

### Corporate Surety(ies)

<table>
<thead>
<tr>
<th>Name &amp; Address</th>
<th>State of Inc.</th>
<th>Liability Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature(s)</td>
<td>1.</td>
<td>2.</td>
</tr>
<tr>
<td>Name(s) &amp; Title(s) (Typed)</td>
<td>1.</td>
<td>2.</td>
</tr>
<tr>
<td>Corporate Seal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Standard Form 28A (Rev. 3/2013)**
Prescribed by GSA-FAR (48 CFR) 53.2228(c)
412. Revise section 53.301–26 to read as follows:

53.301–26 Award/Contract.
413. Revise section 53.301–273 to read as follows:

REINSURANCE AGREEMENT FOR A BONDS STATUTE PERFORMANCE BOND

(See instructions on reverse)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT</td>
</tr>
<tr>
<td>1B</td>
<td>STATE OF INCORPORATION</td>
</tr>
<tr>
<td>2A</td>
<td>AMOUNT OF THIS REINSURANCE ($)</td>
</tr>
<tr>
<td>2B</td>
<td>DATE REINSURING COMPANY EXECUTES THIS AGREEMENT</td>
</tr>
<tr>
<td>2C</td>
<td>STATE OF INCORPORATION</td>
</tr>
<tr>
<td>3A</td>
<td>AMOUNT OF CONTRACT</td>
</tr>
<tr>
<td>3B</td>
<td>CONTRACT DATE</td>
</tr>
<tr>
<td>3C</td>
<td>CONTRACT NO.</td>
</tr>
<tr>
<td>3D</td>
<td>DESCRIPTION OF CONTRACT</td>
</tr>
<tr>
<td>3E</td>
<td>CONTRACTING AGENCY</td>
</tr>
<tr>
<td>4A</td>
<td>PENAL SUM OF BOND</td>
</tr>
<tr>
<td>4B</td>
<td>DATE OF BOND</td>
</tr>
<tr>
<td>4C</td>
<td>BOND NO.</td>
</tr>
<tr>
<td>4D</td>
<td>PRINCIPAL</td>
</tr>
<tr>
<td>4E</td>
<td>STATE OF INCORPORATION (If Corporate Principal)</td>
</tr>
</tbody>
</table>

AGREEMENT:

(a) The Direct Writing Company named above is bound as surety to the United States of America on the performance bond described above, wherein the above described is the principal, for the protection of the United States on the contract described above. The contract is for the construction, alteration, or repair of a public building or public work of the United States, and the performance bond was furnished to the United States under 40 U.S.C. chapter 31, subchapter III, Bonds, known as the Bonds Statute. The Direct Writing Company has applied to the Reinsuring Company named above to be reinsured and countersecured in the amount shown opposite the name of the Reinsuring Company (referred to as the "Amount of this Reinsurance").

(b) For a sum mutually agreed upon, paid by the Direct Writing Company to the Reinsuring Company which acknowledges receipt, the parties to this Agreement covenant and agree to the terms and conditions of the agreement.

TERMS AND CONDITIONS:

(a) The purpose and intent of this agreement is to guarantee and indemnify the United States against loss under the performance and to the extent of the "Amount of this Reinsurance" or any sum less than the "Amount of this Reinsurance" that is owing and unpaid by the Direct Writing Company to the United States under the performance bond.

(b) If the Direct Writing Company fails to pay any default under the performance bond equal to or in excess of the "Amount of this Reinsurance," the Reinsuring Company covenants and agrees to pay to the United States, the obligee on the performance bond, the "Amount of this Reinsurance." If the Direct Writing Company fails to pay to the United States any default for a sum less than the "Amount of this Reinsurance" the Reinsuring Company covenants and agrees to pay to the United States the full amount of the default, or so much thereof that is not paid to the United States by the Direct Writing Company.

(c) If there is a default on the performance bond for the "Amount of this Reinsurance" or more, the Reinsuring Company and the Direct Writing Company hereby covenant and agree that the United States may bring suit against the Reinsuring Company for the "Amount of this Reinsurance" or, in case the amount of the default is for less than the "Amount of this Reinsurance," for the full amount of the default.

WITNESS:

The Direct Writing Company and the Reinsuring Company, respectively, have caused this Agreement to be signed and impressed with their respective corporate seals by officers possessing power to sign this instrument, and to be duly attested by officers empowered thereto, on the day and date above written opposite their respective names.

*Item 2, 4D - Furnish legal name, business address and ZIP Code.

STANDARD FORM 273 (REV. 4-2013)

Prepared by GSA - FAR (48 CFR) 53.225(h).
414. Revise section 53.301–274 to read as follows:

53.301–274 Reinsurance Agreement for a Bonds Statute Payment Bond.
# Reinsurance Agreement for a Bonds Statute Payment Bond

**PAPERWORK REDUCTION ACT STATEMENT:** Public reporting burden for this collection of information is estimated to average 60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden to U.S. General Services Administration, Regulatory Directorate (OIV/BIR 6020-0045, Office of Governmentwide Acquisition Policy, 1800 F Street, NW, Washington, DC 20405).

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DIRECT WRITING COMPANY*</td>
<td>1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT</td>
</tr>
<tr>
<td></td>
<td>1B. STATE OF INCORPORATION</td>
</tr>
<tr>
<td>2. REINSURING COMPANY*</td>
<td>2A. AMOUNT OF THIS REINSURANCE $</td>
</tr>
<tr>
<td></td>
<td>2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT</td>
</tr>
<tr>
<td></td>
<td>2C. STATE OF INCORPORATION</td>
</tr>
</tbody>
</table>

## 3. Description of Contract

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3A. AMOUNT OF CONTRACT</td>
<td>4A. PENAL SUM OF BOND</td>
</tr>
<tr>
<td>3B. CONTRACT DATE</td>
<td>3C. CONTRACT NO.</td>
</tr>
<tr>
<td>3D. DESCRIPTION OF CONTRACT</td>
<td>4D. PRINCIPAL</td>
</tr>
<tr>
<td>3E. CONTRACTING AGENCY</td>
<td>4E. STATE OF INCORPORATION (If Corporate Principal)</td>
</tr>
</tbody>
</table>

## Agreement:

(a) The Direct Writing Company named above is bound as a surety on the payment bond described above, wherein the above described is the principal, for the protection of all persons supplying labor and material on the contract described above, which is for the construction, alteration, or repair of a public building or public work of the United States. The payment bond is for the use of persons supplying labor or material, and is furnished to the United States under 40 U.S.C. chapter 31, subchapter III, Bonds, known as the Bonds Statute. The Direct Writing Company has applied to the Reinsuring Company named above to be reinsured and countersecured in the amount above opposite the name of the Reinsuring Company (referred to as "Amount of this Reinsurance"), or for whatever amount less than the "Amount of this Reinsurance" the Direct Writing Company is liable to pay under or by virtue of the payments bond.

(b) For the sum mutually agreed upon, paid by the Direct Writing Company to the Reinsuring Company which acknowledges its receipt, the parties to this Agreement covenant and agree to the terms and conditions of this agreement.

## Terms and Conditions:

The purpose and intent of this agreement is (a) to guarantee and indemnify the persons who have furnished or supplied labor or material in the prosecution of the work provided for in the contract referred to above (hereinafter referred to as "laborers and materialmen," the term "materialmen" including persons having a direct contractual relationship with a subcontractor but no contractual relationship expressed or implied with the contractor who has furnished the said payment bond against loss under the payment bond to the extent of the "Amount of this Reinsurance," or for any sum less than the "Amount of this Reinsurance," that is owing and unpaid by the Direct Writing Company to the "laborers and materialmen" on the payment bond; and (b) to make the "laborers and materialmen" obligees under this Reinsurance Agreement to the same extent as if their respective names were written herein.

Therefore:

1. The Reinsuring Company covenants and agrees -

   (a) To pay the "Amount of this Reinsurance" to the "laborers and materialmen" in the event of the Direct Writing Company's failure to pay to the "laborers and materialmen" any default under the payment bond equal to or in excess of the "Amount of this Reinsurance;" and

   (b) To pay (1) the full amount to the "laborers and materialmen" or (2) the amount not paid to them by the Direct Writing Company, in case the Direct Writing Company fails to pay to the "laborers and materialmen" any default under the payment bond less than the "Amount of this Reinsurance."
415. Revise section 53.301–308 to read as follows:

53.301–308 Request for Wage Determination and Response to Request.
416. Revise section 53.301–330 to read as follows:

ARCHITECT-ENGINEER QUALIFICATIONS

OMB No.: 9000-0157
Expires: 10/31/2014

PURPOSE

Federal agencies use this form to obtain information from architect-engineer (A-E) firms about their professional qualifications. Federal agencies select firms for A-E contracts on the basis of professional qualifications as required by 40 U.S.C. chapter 11, Selection of Architects Engineers, and Part 36 of the Federal Acquisition Regulation (FAR).

The Selection of Architects and Engineers statute requires the public announcement of requirements for A-E services (with some exceptions provided by other statutes), and the selection of at least three of the most highly qualified firms based on demonstrated competence and professional qualifications according to specific criteria published in the announcement. The Act then requires the negotiation of a contract at a fair and reasonable price starting first with the most highly qualified firm.

The information used to evaluate firms is from this form and other sources, including performance evaluations, any additional data requested by the agency, and interviews with the most highly qualified firms and their references.

GENERAL INSTRUCTIONS

Part I presents the qualifications for a specific contract.

Part II presents the general qualifications of a firm or a specific branch office of a firm. Part II has two uses:

1. An A-E firm may submit Part II to the appropriate central, regional or local office of each Federal agency to be kept on file. A public announcement is not required for certain contracts, and agencies may use Part II as a basis for selecting at least three of the most highly qualified firms for discussions prior to requesting submission of Part I. Firms are encouraged to update Part II on file with agency offices, as appropriate, according to FAR Part 36. If a firm has branch offices, submit a separate Part II for each branch office seeking work.

2. Prepare a separate Part II for each firm that will be part of the team proposed for a specific contract and submitted with Part I. If a firm has branch offices, submit a separate Part II for each branch office that has a key role on the team.

INDIVIDUAL AGENCY INSTRUCTIONS

Individual agencies may supplement these instructions. For example, they may limit the number of projects or number of pages submitted in Part I in response to a public announcement for a particular project. Carefully comply with any agency instructions when preparing and submitting this form. Be as concise as possible and provide only the information requested by the agency.

DEFINITIONS

Architect-Engineer Services: Defined in FAR 2.101.

Branch Office: A geographically distinct place of business or subsidiary office of a firm that has a key role on the team.

Discipline: Primary technical capabilities of key personnel, as evidenced by academic degree, professional registration, certification, and/or extensive experience.

Firm: Defined in FAR 36.102.

Key Personnel: Individuals who will have major contract responsibilities and/or provide unusual or unique expertise.

SPECIFIC INSTRUCTIONS

Part I - Contract-Specific Qualifications

Section A. Contract Information.

1. Title and Location. Enter the title and location of the contract for which this form is being submitted, exactly as shown in the public announcement or agency request.

2. Public Notice Date. Enter the posted date of the agency’s notice on the Federal Business Opportunity website (FedBizOpps), other form of public announcement or agency request for this contract.

3. Solicitation or Project Number. Enter the agency’s solicitation number and/or project number, if applicable, exactly as shown in the public announcement or agency request for this contract.

Section B. Architect-Engineer Point of Contact.

4-8. Name, Title, Name of Firm, Telephone Number, Fax (Facsimile) Number and E-mail (Electronic Mail) Address. Provide information for a representative of the prime contractor or joint venture that the agency can contact for additional information.

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STANDARD FORM 330 (REV. 3/2013) PAGE 1 OF INSTRUCTIONS

Prescribed by GSA - FAR (48 CFR) 53.226-2(b)
Section C. Proposed Team.

9-11. Firm Name, Address, and Role in This Contract. Provide the contractual relationship, name, full mailing address, and a brief description of the role of each firm that will be involved in performance of this contract. List the prime contractor or joint venture partners first. If a firm has branch offices, indicate each individual branch office that will have a key role on the team. The named subcontractors and outside associates or consultants must be used, and any change must be approved by the contracting officer. (See FAR Part 52 Clause "Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)"). Attach an additional sheet in the same format as Section C if needed.

Section D. Organizational Chart of Proposed Team.

As an attachment after Section C, present an organizational chart of the proposed team showing the names and roles of all key personnel listed in Section E and the firm they are associated with as listed in Section C.

Section E. Resumes of Key Personnel Proposed for This Contract.

Complete this section for each key person who will participate in this contract. Group by firm, with personnel of the prime contractor or joint venture partner firms first. The following blocks must be completed for each resume:


14. Years Experience. Total years of relevant experience (block 14a), and years of relevant experience with current firm, but not necessarily the same branch office (block 14b).

15. Firm Name and Location. Name, city and state of the firm where the person currently works, which must correspond with one of the firms (or branch office of a firm, if appropriate) listed in Section C.

16. Education. Provide information on the highest relevant academic degree(s) received. Indicate the area(s) of specialization for each degree.

17. Current Professional Registration. Provide information on current relevant professional registration(s) in a State or possession of the United States, Puerto Rico, or the District of Columbia according to FAR Part 36.

18. Other Professional Qualifications. Provide information on any other professional qualifications relating to this contract, such as education, professional registration, publications, organizational memberships, certifications, training, awards, and foreign language capabilities.

19. Relevant Projects. Provide information on up to five projects in which the person had a significant role that demonstrates the person's capability relevant to her/his proposed role in this contract. These projects do not necessarily have to be any of the projects presented in Section F for the project team if the person was not involved in any of those projects or the person worked on other projects that were more relevant than the team projects in Section F. Use the check box provided to indicate if the project was performed with any office of the current firm. If any of the professional services or construction projects are not complete, leave Year Completed blank and indicate the status in Brief Description and Specific Role (block 3).

Section F. Example Projects Which Best Illustrate Proposed Team's Qualifications for This Contract.

Select projects where multiple team members worked together, if possible, that demonstrate the team's capability to perform work similar to that required for this contract. Complete one Section F for each project. Present ten projects, unless otherwise specified by the agency. Complete the following blocks for each project:

20. Example Project Key Number. Start with "1" for the first project and number consecutively.

21. Title and Location. Title and location of project or contract. The geographic scope of the contract.

22. Year Completed. Enter the year completed of the professional services (such as planning, engineering study, design or surveying), and/or the year completed of construction, if applicable. If any of the professional services or the construction projects are not complete, leave Year Completed blank and indicate the status in Brief Description of Project and Relevance to This Contract (block 24).

23a. Project Owner. Project owner or user, such as a government agency or installation, an institution, a corporation or private individual.

23b. Point of Contact Name. Provide name of a person associated with the project owner or the organization which contracted for the professional services, who is very familiar with the project and the firm's (or firms') performance.

23c. Point of Contact Telephone Number. Self-explanatory.

24. Brief Description of Project and Relevance to This Contract. Indicate scope, size, cost, principal elements and special features of the project. Discuss the relevance of the example project to this contract. Enter any other information requested by the agency for each example project.
25. Firms from Section C involved with This Project. Indicate which firms (or branch offices, if appropriate) on the project team were involved in the example project, and their roles. List in the same order as Section C.

Section G. Key Personnel Participation in Example Projects.

This matrix is intended to graphically depict which key personnel identified in Section E worked on the example projects listed in Section F. Complete the following blocks (see example below).

26. and 27. Names of Key Personnel and Role in This Contract. List the names of the key personnel and their proposed roles in this contract in the same order as they appear in Section E.

28. Example Projects Listed in Section F. In the column under each project key number (see block 28) and for each key person, place an "X" under the project key number for participation in the same or similar role.

---

**SAMPLE ENTRIES FOR SECTION G (MATRIX)**

<table>
<thead>
<tr>
<th>26. NAMES OF KEY PERSONNEL (From Section E, Block 12)</th>
<th>27. ROLE IN THIS CONTRACT (From Section E, Block 13)</th>
<th>28. EXAMPLE PROJECTS LISTED IN SECTION F (Fill in “Example Projects Key” section below first, before completing table. Place “X” under project key number for participation in same or similar role.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jane A. Smith</td>
<td>Chief Architect</td>
<td>1, 2</td>
</tr>
<tr>
<td>Joseph B. Williams</td>
<td>Chief Mech. Engineer</td>
<td>1, 3, 5</td>
</tr>
<tr>
<td>Tara C. Donovan</td>
<td>Chief Elec. Engineer</td>
<td>1, 3</td>
</tr>
</tbody>
</table>

---

29. Example Projects Key. List the key numbers and titles of the example projects in the same order as they appear in Section F.

---

Section H. Additional Information.

30. Use this section to provide additional information specifically requested by the agency or to address selection criteria that are not covered by the information provided in Sections A-G.

Section I. Authorized Representative.

31. and 32. Signature of Authorized Representative and Date. An authorized representative of a joint venture or the prime contractor must sign and date the completed form. Signature attests that the information provided is current and factual and that all firms on the proposed team agree to work on the project. Joint ventures selected for negotiations must make available a statement of participation by a principal of each member of the joint venture.

33. Name and Title. Self-explanatory.

---

29. EXAMPLE PROJECTS KEY

<table>
<thead>
<tr>
<th>NO.</th>
<th>TITLE OF EXAMPLE PROJECT (FROM SECTION F)</th>
<th>NO.</th>
<th>TITLE OF EXAMPLE PROJECT (FROM SECTION F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Federal Courthouse, Denver, CO</td>
<td>6</td>
<td>XYZ Corporation Headquarters, Boston, MA</td>
</tr>
<tr>
<td>2</td>
<td>Justin J. Wilson Federal Building, Baton Rouge, LA</td>
<td>7</td>
<td>Founder's Museum, Newport RI</td>
</tr>
</tbody>
</table>
Part II - General Qualifications

See the "General Instructions" on page 1 for firms with branch offices. Prepare Part II for the specific branch office seeking work if the firm has branch offices.

1. Solicitation Number. If Part II is submitted for a specific contract, insert the agency’s solicitation number and/or project number, if applicable, exactly as shown in the public announcement or agency request.

2a-2e. Firm (or Branch Office) Name and Address. Self-explanatory.

3. Year Established. Enter the year the firm (or branch office, if appropriate) was established under the current name.

4. DUNS Number. Insert the Data Universal Numbering System number issued by Dun and Bradstreet Information Services. Firms must have a DUNS number. See FAR Part 4.6.

5. Ownership.
   a. Type. Enter the type of ownership or legal structure of the firm (sole proprietor, partnership, corporation, joint venture, etc.).
   
   b. Small Business Status. Refer to the North American Industry Classification System (NAICS) code in the public announcement, and indicate if the firm is a small business according to the current size standard for that NAICS code (for example, Engineering Services (part of NAICS 541330), Architectural Services (NAICS 541310), Surveying and Mapping Services (NAICS 541370)). The small business categories and the internet website for the NAICS codes appear in FAR Part 19. Contact the requesting agency for any questions. Contact your local U.S. Small Business Administration office for any questions regarding Business Status.

6a-6c. Point of Contact. Provide this information for a representative of the firm that the agency can contact for additional information. The representative must be empowered to speak on contractual and policy matters.

7. Name of Firm. Enter the name of the firm if Part II is prepared for a branch office.

8a-8c. Former Firm Names. Indicate any other previous names for the firm (or branch office) during the last six years. Insert the year that this corporate name change was effective and the associated DUNS Number. This information is used to review past performance on Federal contracts.

9. Employees by Discipline. Use the relevant disciplines and associated function codes shown at the end of these instructions and list in the same numerical order. After the listed disciplines, write in any additional disciplines and leave the function code blank. List no more than 20 disciplines. Group remaining employees under “Other Employees” in column b. Each person can be counted only once according to his/her primary function. If Part II is prepared for a firm (including all branch offices), enter the number of employees by disciplines in column c(1). If Part II is prepared for a branch office, enter the number of employees by discipline in column c(2) and for the firm in column c(1).

10. Profile of Firm’s Experience and Annual Average Revenue for Last 5 Years. Complete this block for the firm or branch office for which this Part II is prepared. Enter the experience categories which most accurately reflect the firm’s technical capabilities and project experience. Use the relevant experience categories and associated profile codes shown at the end of these instructions, and list in the same numerical order. After the listed experience categories, write in any unlisted relevant project experience categories and leave the profile codes blank. For each type of experience, enter the appropriate revenue index number to reflect the professional services revenues received annually (averaged over the last 5 years) by the firm or branch office for performing that type of work. A particular project may be identified with one experience category or it may be broken into components, as best reflects the capabilities and types of work performed by the firm. However, do not double count the revenues received on a particular project.

11. Annual Average Professional Services Revenues of Firm for Last 3 Years. Complete this block for the firm or branch office for which this Part II is prepared. Enter the appropriate revenue index numbers to reflect the professional services revenues received annually (averaged over the last 3 years) by the firm or branch office. Indicate Federal work (performed directly for the Federal Government, either as the prime contractor or subcontractor), non-Federal work (all other domestic and foreign work, including Federally-assisted projects), and the total. If the firm has been in existence for less than 3 years, see the definition for “Annual Receipts” under FAR 19.101.

12. Authorized Representative. An authorized representative of the firm or branch office must sign and date the completed form. Signing attests that the information provided is current and factual. Provide the name and title of the authorized representative who signed the form.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Acoustical Engineer</td>
<td>32</td>
<td>Hydraulic Engineer</td>
</tr>
<tr>
<td>02</td>
<td>Administrative</td>
<td>33</td>
<td>Hydrographic Surveyor</td>
</tr>
<tr>
<td>03</td>
<td>Aerial Photographer</td>
<td>34</td>
<td>Hydrologist</td>
</tr>
<tr>
<td>04</td>
<td>Aeronautical Engineer</td>
<td>35</td>
<td>Industrial Engineer</td>
</tr>
<tr>
<td>05</td>
<td>Archaeologist</td>
<td>36</td>
<td>Industrial Hygienist</td>
</tr>
<tr>
<td>06</td>
<td>Architect</td>
<td>37</td>
<td>Interior Designer</td>
</tr>
<tr>
<td>07</td>
<td>Biologist</td>
<td>38</td>
<td>Land Surveyor</td>
</tr>
<tr>
<td>08</td>
<td>CAD/Computer Aided Design</td>
<td>39</td>
<td>Landscape Architect</td>
</tr>
<tr>
<td>09</td>
<td>Cartographer</td>
<td>40</td>
<td>Materials Engineer</td>
</tr>
<tr>
<td>10</td>
<td>Chemical Engineer</td>
<td>41</td>
<td>Materials Handling Engineer</td>
</tr>
<tr>
<td>11</td>
<td>Chemist</td>
<td>42</td>
<td>Mechanical Engineer</td>
</tr>
<tr>
<td>12</td>
<td>Civil Engineer</td>
<td>43</td>
<td>Mining Engineer</td>
</tr>
<tr>
<td>13</td>
<td>Communications Engineer</td>
<td>44</td>
<td>Oceanographer</td>
</tr>
<tr>
<td>14</td>
<td>Computer Programmer</td>
<td>45</td>
<td>Photo Interpreter</td>
</tr>
<tr>
<td>15</td>
<td>Construction Inspector</td>
<td>46</td>
<td>Photogrammetrist</td>
</tr>
<tr>
<td>16</td>
<td>Construction Manager</td>
<td>47</td>
<td>Planners: Urban/Regional</td>
</tr>
<tr>
<td>17</td>
<td>Corrosion Engineer</td>
<td>48</td>
<td>Project Manager</td>
</tr>
<tr>
<td>18</td>
<td>Cost Engineer/Estimator</td>
<td>49</td>
<td>Remote Sensing Specialist</td>
</tr>
<tr>
<td>19</td>
<td>Ecologist</td>
<td>50</td>
<td>Risk Assessor</td>
</tr>
<tr>
<td>20</td>
<td>Economist</td>
<td>51</td>
<td>Safety/Occupational Health Engineer</td>
</tr>
<tr>
<td>21</td>
<td>Electrical Engineer</td>
<td>52</td>
<td>Sanitary Engineer</td>
</tr>
<tr>
<td>22</td>
<td>Electronics Engineer</td>
<td>53</td>
<td>Scheduler</td>
</tr>
<tr>
<td>23</td>
<td>Environmental Engineer</td>
<td>54</td>
<td>Security Specialist</td>
</tr>
<tr>
<td>24</td>
<td>Environmental Scientist</td>
<td>55</td>
<td>Soils Engineer</td>
</tr>
<tr>
<td>25</td>
<td>Fire Protection Engineer</td>
<td>56</td>
<td>Specifications Writer</td>
</tr>
<tr>
<td>26</td>
<td>Forensic Engineer</td>
<td>57</td>
<td>Structural Engineer</td>
</tr>
<tr>
<td>27</td>
<td>Foundation/Geotechnical Engineer</td>
<td>58</td>
<td>Technician/Analyst</td>
</tr>
<tr>
<td>28</td>
<td>Geodetic Surveyor</td>
<td>59</td>
<td>Toxicologist</td>
</tr>
<tr>
<td>29</td>
<td>Geographic Information System Specialist</td>
<td>60</td>
<td>Transportation Engineer</td>
</tr>
<tr>
<td>30</td>
<td>Geologist</td>
<td>61</td>
<td>Value Engineer</td>
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<tr>
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<td>Water Resources Engineer</td>
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## List of Experience Categories (Profile Codes)

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<tbody>
<tr>
<td>A01</td>
<td>Acoustics, Noise Abatement</td>
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<td>E02</td>
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<td>Agricultural Development; Grain Storage; Farm Mechanization</td>
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<td>Electrical Studies and Design</td>
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<td>Air Pollution Control</td>
<td>E04</td>
<td>Electronics</td>
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<td>E05</td>
<td>Elevators, Escalators; People-Movers</td>
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<td>Airports; Terminals and Hangars; Freight Handling</td>
<td>E06</td>
<td>Embassies and Chanceries</td>
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<td>E08</td>
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<td>F02</td>
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<td>Churches, Chapels</td>
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<td>Garages; Vehicle Maintenance Facilities; Parking Decks</td>
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<td>Coastal Engineering</td>
<td>G02</td>
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<td>Geospatial Data Conversion: Scanning, Digitizing, Compilation, Attributing, Scribing, Drafting</td>
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<td>H01</td>
<td>Harbors, Jetties, Piers, Ship Terminal Facilities</td>
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<td>Computer Facilities; Computer Service</td>
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<td>Hazardous Materials Handling and Storage</td>
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<td>C14</td>
<td>Conservation and Resource Management</td>
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<td>Hazardous, Toxic, Radioactive Waste Remediation</td>
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<td>Construction Management</td>
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<td>Heating; Ventilating; Air Conditioning</td>
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<td>C16</td>
<td>Construction Surveying</td>
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<td>Corrosion Control; Cathodic Protection; Electrolysis</td>
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<td>Highrise; Air-Rights-Type Buildings</td>
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<td>Cost Estimating; Cost Engineering and Analysis; Parametric Costing; Forecasting</td>
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<td>Highways, Streets, Airfield Paving, Parking Lots</td>
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<td>Historical Preservation</td>
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<td>Dams (Concrete, Arch)</td>
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<td>Hospital &amp; Medical Facilities</td>
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<td>Hotels, Motels</td>
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<td>Housing (Residential, Multi-Family; Apartments: Condominiums)</td>
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<td>Dining Halls, Clubs; Restaurants</td>
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<td>Dredging Studies and Design</td>
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STANDARD FORM 330 (REV. 3/2013) PAGE 6 OF INSTRUCTIONS
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<td>Radar; Sonar; Radio &amp; Radar Telescopes</td>
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<td>R02</td>
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<td>Refrigeration Plants/Systems</td>
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<td>Resources Recovery; Recycling</td>
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<td>Seismic Designs &amp; Studies</td>
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<td>Soils &amp; Geologic Studies; Foundations</td>
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<td>Solid Wastes; Incineration; Landfill</td>
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<td>Special Environments; Clean Rooms, Etc.</td>
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<td>Petroleum Exploration; Refining</td>
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<td>Sustainable Design</td>
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<td>Pipelines (Cross-Country - Liquid &amp; Gas)</td>
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<td>Telephone Systems (Rural; Mobile; Intercom; Etc.)</td>
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<td>Testing &amp; Inspection Services</td>
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<td>Traffic &amp; Transportation Engineering</td>
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<td>Topographic Surveying and Mapping</td>
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<td>Towers (Self-Supporting &amp; Guyed Systems)</td>
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<td>Tunnels &amp; Subways</td>
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## List of Experience Categories (Profile Codes)

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<tr>
<td>U01</td>
<td>Unexploded Ordnance Remediation</td>
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<td>Urban Renewals, Community Development</td>
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<tr>
<td>U03</td>
<td>Utilities (Gas and Steam)</td>
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<td>V01</td>
<td>Value Analysis; Life-Cycle Costing</td>
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<td>W01</td>
<td>Warehouses &amp; Depots</td>
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<td>W02</td>
<td>Water Resources; Hydrology; Ground Water</td>
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<td>Water Supply; Treatment and Distribution</td>
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<td>W04</td>
<td>Wind Tunnels; Research/Testing Facilities Design</td>
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<td>Z01</td>
<td>Zoning, Land Use Studies</td>
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</table>
# ARCHITECT - ENGINEER QUALIFICATIONS

## PART I - CONTRACT-SPECIFIC QUALIFICATIONS

### A. CONTRACT INFORMATION

1. **Title and Location** (City and State)
2. **Public Notice Date**
3. **Solicitation or Project Number**

### B. ARCHITECT-ENGINEER POINT OF CONTACT

4. **Name and Title**
5. **Name of Firm**
6. **Telephone Number**
7. **Fax Number**
8. **Email Address**

### C. PROPOSED TEAM

(Complete this section for the prime contractor and all key subcontractors.)

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<th>9. Firm Name</th>
<th>10. Address</th>
<th>11. Role in This Contract</th>
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<td>b.</td>
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<td></td>
</tr>
<tr>
<td>c.</td>
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<td></td>
<td></td>
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<tr>
<td>d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f.</td>
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### D. ORGANIZATIONAL CHART OF PROPOSED TEAM

(Attached)
### E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

<table>
<thead>
<tr>
<th>12. NAME</th>
<th>13. ROLE IN THIS CONTRACT</th>
<th>14. YEARS EXPERIENCE</th>
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<th>16. EDUCATION (DEGREE AND SPECIALIZATION)</th>
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<th>17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE)</th>
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<th>18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.)</th>
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### 19. RELEVANT PROJECTS

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<th>(2) YEAR COMPLETED</th>
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<td>PROFESSIONAL SERVICES</td>
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<td>CONSTRUCTION (if applicable)</td>
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<tr>
<th>(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE</th>
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<th>(1) TITLE AND LOCATION (City and State)</th>
<th>(2) YEAR COMPLETED</th>
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<td>CONSTRUCTION (if applicable)</td>
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<th>(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE</th>
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## F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM’S QUALIFICATIONS FOR THIS CONTRACT

(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section E for each project.)

| 21. TITLE AND LOCATION (City and State) |
| 22. YEAR COMPLETED |
| 20. EXAMPLE PROJECT KEY NUMBER |
| 23. PROJECT OWNER’S INFORMATION |
| a. PROJECT OWNER | b. POINT OF CONTACT NAME | c. POINT OF CONTACT TELEPHONE NUMBER |
| 24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost) |

## 25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

| a. (1) FIRM NAME | (2) FIRM LOCATION (City and State) | (3) ROLE |
| b. (1) FIRM NAME | (2) FIRM LOCATION (City and State) | (3) ROLE |
| c. (1) FIRM NAME | (2) FIRM LOCATION (City and State) | (3) ROLE |
| d. (1) FIRM NAME | (2) FIRM LOCATION (City and State) | (3) ROLE |
| e. (1) FIRM NAME | (2) FIRM LOCATION (City and State) | (3) ROLE |
| f. (1) FIRM NAME | (2) FIRM LOCATION (City and State) | (3) ROLE |
## G. Key Personnel Participation in Example Projects

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<tr>
<th>No.</th>
<th>Name of Key Personnel (From Section E, Block 12)</th>
<th>Role in This Contract (From Section E, Block 13)</th>
<th>Example Projects Listed in Section F</th>
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<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 29. Example Projects Key

<table>
<thead>
<tr>
<th>No.</th>
<th>Title of Example Project (From Section F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>
H. ADDITIONAL INFORMATION

36. PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE AGENCY. ATTACH ADDITIONAL SHEETS AS NEEDED.

I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

31. SIGNATURE

32. DATE

33. NAME AND TITLE

STANDARD FORM 330 (REV. 3/2013) PAGE 5
■ 417. Revise section 53.301–1093 to read as follows:

53.301–1093 Schedule of Withholdings
Under the Construction Wage Rate
Requirements Statute (40 U.S.C. Chapter 31,
Subchapter IV, section 3144) and/or the
Contract Work Hours and Safety Standards
Statute (40 U.S.C. Chapter 37, section 3703).
418. Revise section 53.301–1413 to read as follows:

53.301–1413 Statement and Acknowledgement.
419. Revise section 53.301–1444 to read as follows:

> 53.301–1444 Request for Authorization of Additional Classification and Rate.
Revise section 53.301–1446 to read as follows:

---

## Labor Standards Investigation Summary Sheet

### Reporting Office

<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Contract Amount</th>
<th>Date of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Type of Contract

- [ ] Fixed Price
- [ ] CPFF
- [ ] Other (Specify)

### Contractor's Name and Address (Include ZIP Code)

#### Employer's Name and Address (Include ZIP Code)

(if other than prime contractor)

### Project and Location

### Description of Work

### Basis for Investigation

### Wage Determination Number

### Wage Determination Date

### Nature and Extent of Violation

<table>
<thead>
<tr>
<th>No. Employees Involved</th>
<th>Are Violations Considered Willful?</th>
<th>COPeland Act Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

- Construction Wage Rate Requirements Statute Underpayments
- CWHSS* Underpayments
- CWHSS* Law Violations

### Corrective Actions Taken

<table>
<thead>
<tr>
<th>Restitution Made</th>
<th>Amount of Restitution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

- Withheld for Construction Wage Rate Requirements Statute Violations
- Withheld for CWHSS* Underpayments
- Withheld for CWHSS* Violations

### Remarks

### Prepared By

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Signature</th>
</tr>
</thead>
</table>

---

*Contract Work Hours and Safety Standards Statute

---

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Previous edition is unusable

STANDARD FORM 1446 (REV. 4-2013)

Prescribed by GSA/FAR (48 CFR) 53.202(b)
9.203 [Amended]


PART 11—DESCRIBING AGENCY NEEDS

4. The authority citation for 48 CFR part 11 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

11.201 [Amended]

5. Amend section 11.201 by—


b. Removing from paragraph (d)(2)(ii) the Web site “http://assist.daps.dla.mil/quicksearch” and adding “http://quicksearch.dla.mil/” in its place; and


PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

7. Amend section 52.203–17, by revising the clause heading and date to read as follows:

52.203–17 Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights.

Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights (APR 2014)

8. Amend section 52.208–8 by—

a. Revising the date of the clause; and


PART 11—DESCRIBING AGENCY NEEDS

9.203 [Amended]

9. Amend section 52.211–2 by—

a. Revising the date of the provision;

b. Removing from paragraph (a) the Web site “http://assist.daps.dla.mil/quicksearch” and adding “http://quicksearch.dla.mil/” in its place; and


The revised text reads as follows:

52.208–8 Required Sources for Helium and Helium Usage Data.

52.211–2 Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).

52.203–17 Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights.