

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

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Subpart 2819.8—Contracting With the Small Business Administration (the 8(a) Program)

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AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

Subpart 2819.5—Set-Asides for Small Business

2819.505 Rejecting Small Business Administration recommendations.

The SPE is the agency head for the purposes of FAR 19.505.

Subpart 2819.8—Contracting With the Small Business Administration (the 8(a) Program)

2819.810 SBA appeals.

The SPE is the agency head for the purposes of FAR 19.810(c).

2819.812 Contract administration.

The HCA or designee is the agency head for the purposes of FAR 19.812(d).

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AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

2822.101

Subpart 2822.1—Basic Labor Policies

2822.101 Labor relations.

2822.101-70 Domestic violence, sexual assault, and stalking.

Contracting officers shall insert the clause, JAR 2852.222-70 Domestic Violence, Sexual Assault, and Stalking, in every written solicitation when services will be performed in whole or in part on DOJ premises.

2822.103 Overtime.

2822.103-4 Approvals.

During contract performance, contractor requests for overtime exceeding the amount authorized in paragraph (a) of the clause at FAR 52.222-2, Payment for Overtime Premiums, must be approved at a level above the contracting officer. Such approval should be reflected by the signature of the approving official on the contracting officer's written determination made in accordance with FAR 22.103-4.

Subpart 2822.3—Contract Work Hours and Safety Standards Act

2822.302 Liquidated damages and overtime pay.

The authority to make the determination prescribed in FAR 22.302(c) is delegated to the HCA, or designee.

Subpart 2822.4—Labor Standards for Contracts Involving Construction

2822.406 Administration and enforcement.

2822.406-8 Investigations.

The contracting officer shall prepare and forward reports of violations under FAR 22.406-8(d)(1) to the HCA or designee at a level at or above the BPC. That official shall be responsible for processing the report in accordance with FAR 22.406-8(d)(2).

2822.406-12 Cooperation with the Department of Labor.

Any information furnished to the Department of Labor, as required by FAR

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22.406-12(a), shall be submitted through the HCA, or designee.

Subpart 2822.6—Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000

2822.604 Exemptions.

2822.604-2 Regulatory exemptions.

The SPE is the agency head for the purposes of FAR 22.604-2(b)(1).

Subpart 2822.8—Equal Employment Opportunity

2822.803 Responsibilities.

The SPE is the agency head for the purposes of FAR 22.803(c).

2822.807 Exemptions.

The SPE is the agency head for the purposes of FAR 22.807(a)(1).

2822.807-70 Cooperation in equal employment opportunity investigations.

The contracting officer shall insert the clause at FAR 52.222-70, Contractor Cooperation in Equal Employment Opportunity Investigations, in solicitations, contracts, and orders that include the clause at FAR 52.222-26, Equal Opportunity.

Subpart 2822.13—Equal Opportunity for Veterans

2822.1305 Waivers.

All requests for waiver of the terms of FAR 52.222-35 pursuant to FAR 22.1310(a)(1)(ii) or (a)(2) shall be forwarded from the HCA or designee to OAM, JMD, for review and approval by the AG.

2822.1310 Solicitation provisions and contract clauses.

The SPE is the agency head for the purposes of FAR 22.1310(a)(1)(ii) and (a)(2).

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2823.404-70

Subpart 2822.14—Employment of Workers With Disabilities

2822.1403 Waivers.

The SPE is the agency head for the purposes of FAR 22.1403(b).

2822.1408 Contract clause.

The SPE is the agency head for the purposes of FAR 22.1408(a)(2).

Subpart 2822.15—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

2822.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.

The contracting officer shall refer to the DOJ Inspector General for investigation, under FAR 22.1503(e), any matters relating to that section.

PART 2823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 2823.2—Energy and Water Efficiency and Renewable Energy

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2823.204 Procurement exemptions.

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2823.303 Contract clause.
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2823.404-70 Affirmative procurement program for recycled materials.
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Subpart 2823.7—Contracting for Environmentally Preferable Products and Services

2823.704 Electronic products environmental assessment tool.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

Subpart 2823.2—Energy and Water Efficiency and Renewable Energy

2823.204 Procurement exemptions.

The HCA or designee is the agency head for the purposes of executing the written determination not to purchase ENERGY STAR® or Federal Energy Management Program (FEMP)-designated products.

Subpart 2823.3—Hazardous Material Identification and Material Safety Data

2823.303 Contract clause.

2823.303-70 Unsafe conditions due to hazardous material.

The clause at FAR 52.223-3 shall be included in solicitations and contracts that will require delivery of hazardous material as defined in FAR 23.301. In addition, the contracting officer shall insert the clause at JAR 2852.223-70, Unsafe Conditions Due to the Presence of Hazardous Material, in all such solicitations and contracts, where the contract will require the performance of services on Government-owned or Government-leased facilities.

Subpart 2823.4—Use of Recovered Materials and Biobased Products

2823.404 Agency affirmative procurement programs.

2823.404-70 Affirmative procurement program for recycled materials.

(a) *Recovered materials preference program.* Preference will be given to procuring and using products containing recovered materials rather than products made with virgin materials when adequate competition exists, and when price, performance, and availability are equal.