

## SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

### PART 519—SMALL BUSINESS PROGRAMS

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AUTHORITY: 40 U.S.C. 121(c).

SOURCE: 64 FR 37219, July 9, 1999, unless otherwise noted.

#### Subpart 519.5—Set-Asides for Small Business

##### 519.507 Contract clause.

Insert the clause at 552.219-70, Allocation of Orders—Partially Set-Aside Items, in solicitations and contracts when a requirements contract for supplies is contemplated that will involve partially setting aside orders for small business.

[86 FR 55519, Oct. 6, 2021]

#### Subpart 519.8—Contracting With the Small Business Administration (The 8(a) Program)

##### 519.870 Direct 8(a) contracting.

##### 519.870-2 Contract clauses.

(a) Insert the following clauses in solicitations, contracts, and orders in accordance with the provisions of Section 8(a) of the U.S. Small Business Administration Act as implemented by FAR subpart 19.8 and GSA's 8(a) Partnership Agreement:

(1) 552.219-74, Section 8(a) Direct Award;

(2) FAR 52.219-14, Limitations on Subcontracting; and

(3) FAR Deviation. 552.219-18, Notification of Competition Limited to Eligible 8(a) Participants. GSA has a FAR Deviation that allows the use of clause

552.219-18 in lieu of the FAR clause at 52.219-18.

(b) Do not insert the following clauses in solicitations, contracts, and orders in accordance with the provisions of Section 8(a) of the U.S. Small Business Administration Act as implemented by FAR subpart 19.8 and GSA's 8(a) Partnership Agreement:

(1) FAR 52.219-11, Special 8(a) Contract Conditions;

(2) FAR 52.219-12, Special 8(a) Subcontract Conditions; and

(3) FAR 52.219-17, Section 8(a) Award.

[89 FR 22639, Apr. 2, 2024]

#### Subpart 519.12 [Reserved]

### PART 522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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AUTHORITY: 40 U.S.C. 121(c).

SOURCE: 64 FR 37220, July 9, 1999, unless otherwise noted.

#### Subpart 522.1—Basic Labor Policies

##### 522.101 Labor relations.

##### 522.101-1 General.

The Office of General Counsel (OGC) and the agency labor advisor shall—

## **522.103-5**

(a) Serve as the GSA points of contact on all contractor labor relations matters;

(b) Initiate contact on contractor labor relations matters with national offices of labor organizations, Government departments, agencies or other governmental organizations. Contracting offices shall notify OGC and the agency labor advisor when they are contacted by such external organizations;

(c) Serve as a clearinghouse for information on labor laws applicable to Government acquisitions; and

(d) Respond to questions involving FAR Part 22, Application of Labor Laws to Government Acquisitions, or other contractor labor relations matters concerning GSA acquisition programs. OGC determines the agency's legal position.

[73 FR 46203, Aug. 8, 2008]

### **522.103-5 Contract clauses.**

Insert the FAR clause at 52.222-1 in solicitations and contracts for DX rated orders under the Defense Priorities and Allocations System (see FAR subpart 11.6).

[86 FR 55520, Oct. 6, 2021]

## **Subpart 522.4—Labor Standards for Contracts Involving Construction**

### **522.406 Administration and enforcement.**

#### **522.406-6 Payrolls and statements.**

Weekly payrolls and statements of compliance with respect to payment of wages are not required from a prime contractor or a subcontractor that personally performs work.

[73 FR 46203, Aug. 8, 2008]

## **Subpart 522.8—Equal Employment Opportunity**

### **522.803 Responsibilities.**

Contracting officers should submit questions on the applicability of E.O. 11246 and implementing regulations to assigned legal counsel.

[64 FR 37220, July 9, 1999, as amended at 73 FR 46203, Aug. 8, 2008]

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### **522.804 Affirmative action programs.**

#### **522.804-1 Nonconstruction.**

(a) The requirements of FAR 22.804 also apply to each contractor and subcontractor with 50 or more employees that either:

(1) Serves as a depository of Government funds; or

(2) Is a financial institution serving as an issuing and paying agent for U.S. savings bonds and savings notes.

(b) The contractors, subcontractors, and financial institutions described in 522.804-1(a) must develop a written affirmative action compliance program for each of its establishments regardless of the contract or holding value, in accordance with 41 CFR 60-1.40.

[64 FR 37220, July 9, 1999, as amended at 73 FR 46203, Aug. 8, 2008]

#### **522.804-2 Construction.**

Construction contractors and subcontractors are required to set trade participation goals for minorities and women based on percentages established by the Director, Office of Federal Contract Compliance Programs (OFCCP), Department of Labor. The goals can be found on OFCCP's website at <https://www.dol.gov/agencies/ofccp/construction>.

[85 FR 38337, June 26, 2020]

### **522.805 Procedures.**

(a) To determine whether the contract meets the threshold in FAR 22.805(a), contracting officers shall include the value of the basic contract plus priced options. A contract modification exercising a priced option is not a contract award under FAR 22.805(a)(1)(ii) and does not require a preaward clearance.

(b) Contracting officers shall submit preaward clearance requests directly to the appropriate OFCCP regional office. A list of OFCCP regional offices can be found on OFCCP's website at [https://ofccp.dol-esa.gov/preaward/pa\\_reg.html](https://ofccp.dol-esa.gov/preaward/pa_reg.html).

(c) The EEO poster required by FAR 22.805(b) can be found at: <https://www.dol.gov/agencies/ofccp/posters>.

[64 FR 37220, July 9, 1999, as amended at 73 FR 46203, Aug. 8, 2008; 81 FR 1532, Jan. 13, 2016; 85 FR 38337, June 26, 2020]

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### 522.807 Exemptions.

The agency labor advisor submits a request for exemption.

## **PART 523—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

### **Subpart 523.3—Hazardous Material Identification and Material Safety Data**

Sec.

523.303 Contract clauses.

523.370 Solicitation provision.

AUTHORITY: 40 U.S.C. 121(c).

SOURCE: 64 FR 37220, July 9, 1999, unless otherwise noted.

### **Subpart 523.3—Hazardous Material Identification and Material Safety Data**

#### **523.303 Contract clauses.**

(a) Insert the clause at 552.223–70, Hazardous Substances, in solicitations and contracts for packaged items subject to the Federal Hazardous Substances Act and the Hazardous Materials Transportation Act.

(b) Insert the clause at 552.223–71, Nonconforming Hazardous Materials, in solicitations and contracts for supplies that contain hazardous materials.

(c) Insert the clause at 552.223–73, Preservation, Packaging, Packing, Marking and Labeling of Hazardous Materials (HAZMAT) for Shipments, in solicitations and contracts for packaged items containing hazardous materials.

[64 FR 37220, July 9, 1999, as amended at 80 FR 36248, June 24, 2015; 86 FR 55520, Oct. 6, 2021]

#### **523.370 Solicitation provision.**

Insert the provision at 552.223–72, Hazardous Material Information, in solicitations that provide for the delivery of hazardous materials on an f.o.b. origin basis.

[86 FR 55520, Oct. 6, 2021]

## **PART 525—FOREIGN ACQUISITION**

### **Subpart 525.1—Buy American Act-Supplies [Reserved]**

AUTHORITY: 40 U.S.C. 121(c).

SOURCE: 64 FR 37221, July 9, 1999, unless otherwise noted.