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48 CFR Parts 1, 2, 3, *et al.*
Federal Acquisition Regulation; Positive Law Codification of Title 41; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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

[FAR Case 2011–018; Docket 2011–0018; Sequence 1]

RIN 9000–AM30

Federal Acquisition Regulation; Positive Law Codification of Title 41

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend 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.''

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before November 19, 2012 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2011–018 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2011–018''. Select the link ''Submit a Comment'' that corresponds with ''FAR Case 2011–018.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''FAR Case 2011–018'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street NE., 7th Floor, Washington, DC 20417.

Instructions: Please submit comments only and cite FAR Case 2011–018, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward N. Chambers, Procurement Analyst, at 202–501–3221, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAR Case 2011–018.

SUPPLEMENTARY INFORMATION:

I. Background

On January 4, 2011, Public Law 111–350 enacted a new codified version of Title 41 United States Code (U.S.C.), entitled ''Public Contracts.'' The purpose of this proposed rule is to update all references to Title 41 in the FAR to conform to the positive law codification.

Furthermore, this rule proposes 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).

II. Discussion and Analysis

There are three types of changes throughout the FAR, including some standard forms:

A. Change to the citation (*e.g.,* ''41 U.S.C. 10a-10d'' now reads ''41 U.S.C. chapter 83'').

B. Change 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 is proposed at FAR 1.110. This table covers Acts under both titles 40 and 41.

C. Changes to terminology which did not involve substantive changes to the meaning of the statutes. The changes are summarized in the following table:

	Statutory cite in 41 U.S.C.	Change from	To	FAR cites
1.	104	Definition of COTS item: ''section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)''.	''46 U.S.C. 40102(4)''	2.101, 22.1801, 52.209–6, 52.222–54, 52.225–1, 52.225–3, 52.225–9, 52.225–11.
2.	2105(c)(1)	''has engaged in conduct constituting a violation of''/''constitutes a violation of''.	''has violated''/''violates.''	3.703, 52.203–8.
3.	1705 and 4106(g)(2)	''competition advocate''	''advocate for competition''	6.000, 6.304(a), subpart 6.5 (multiple), 7.104(c), 8.405–3(e)(3), 8.405–6(d), 9.202(b), 13.501(a)(2)(ii), 16.505(b)(2)(ii)(C).
4.	3901	''in its discretion,''	Delete phrase	52.203–5.
5.	6308	''let''	''award''	3.303(c)(5), 19.800(a), 52.219–8.
6.	6701	''Outer Continental Shelf lands''	''outer Continental Shelf''	22.305, 22.1001, 52.213–4(b).
7.	7103	''duly''	Delete word	33.201, 33.207(e), 52.233–1.
8.	8501 and 29 CFR 525	''handicapped''	''disabled'' or ''workers with disabilities''.	5.202(a)(4), 9.102(b)(3), 15.404–4(d)(1)(iii), 22.102–1(h), 22.1019, 52.222—20, -38, 41.
9.	Chapter 85 (see 48 U.S.C. note prec. 1681).	Trust Territory of the Pacific	Delete	52.212–3, Alt I, 52.219–1, Alt I.
10.	8701 and 8702	''directly or indirectly''	Delete	3.502–1(a), 52.203–7(a).
11.	8703	''Department of Justice''	''Attorney General''	3.502–2(g), 52.203–7(c)(2).

Additionally, this case makes numerous minor corrections to the FAR apart from the changes directly due to the recodification:

• References to title 10 of the United States Code are corrected at FAR 6.302–5(c)(1), 7.102(a)(2), 7.103(a), 7.202(a), 15.303(b)(4) and (6), 15.404–1(f)(2), 32.006–1(a), and 32.006–5.

• Codification citations are added for Authorization Acts, for Appropriations Acts and other public laws at FAR 8.602(a), 9.402(d), 12.000, 12.102(g)(1), 12.504(a)(13), 16.505(a)(9), 19.201(d), 23.704(b)(1)(ii), 25.405, 25.700(b), 26.400, 28.106–4(b), 28.106–6(d), 31.205–1(f)(8), 32.112–1(a), 32.112–2(a), 52.212–5(a)(3) and (c)(7), (e)(1)(xiii), and in (e)(1)(ii)(M) of Alternate II; 52.213–4(a)(1)(vii), (b)(1)(x), 52.226–6(b), and 52.228–12.

• FAR 12.201 deletes the reference to Public Law 103–355, which is already covered at 12.000.

• The title of the clause at FAR 52.244–6 is corrected at FAR 12.502(b) and 44.402(b).

• FAR 1.501 is corrected to conform to 41 U.S.C. 1707 and FAR 1.301.

• FAR 22.1502—the relationship of three statutes is conformed to language used in Executive Order 13126.

• Obsolete references are deleted at FAR 43.102(c) and 50.103–3(c).

• The Executive order citation is added for FAR 52.222–54, Employment Eligibility Verification, at 52.212–5(e)(1)(xii) and Alternate II at (e)(1)(ii)(L).

III. Executive Order 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. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The Department of Defense (DoD), the General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA) do not expect this proposed rule to 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. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2011–018) in all correspondence.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply; however, these changes to the FAR do not imposed additional information collection requirements to the paperwork burden previously approved under the Office of Management and Budget Control Number 1215–0017, titled: Records to be Kept by Employers-FLSA; 1215–0119, titled: Requirements of a Bono Fide Thrift or Savings Plan; 1215–0140, titled: Affected Public: Business or other for-profit; Federal Government; State, Local or Tribal Government; 1215–0149, titled: Optional Use Payroll Form under the Davis-Bacon Act; 1215–0150, titled: Nondisplacement of Qualified Workers Under Service Contracts; 9000–0014, titled: Statement and Acknowledgement; 9000–0024, titled: Buy American Act Certificate; 9000–0025, titled: Trade Agreement Certificate; 9000–0035, titled: Claims and Appeals; 9000–0045, titled: Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections; 9000–0070, titled: Payments; 9000–0089, titled: Request for Authorization of Additional Classification and Rate, Standard Form 1444; 9000–0090, titled: Rights in Data and Copyrights; 9000–0091, titled: Anti-Kickback Procedures; 9000–0094, titled: Debarment and Suspension; 9000–0102, titled: Prompt Payment; 9000–0113, titled: Acquisition of Helium; 9000–0130, titled: Buy American Act-Free Trade Agreements-Israeli Trade Act Certificate; 9000–135, titled: Prospective Subcontractor Requests for Bonds; 9000–0136, titled: Commercial Item Acquisitions; 9000–0138, titled: Contract Financing; 9000–0141, titled: Buy American Act—Construction; 9000–0154, titled: Davis Bacon Act—Price Adjustments (Actual Method).

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: August 30, 2012.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA propose amending 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:

1. The authority citation for 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 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 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

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]

3. Amend section 1.106 by removing from the introductory paragraph ''(Pub. L. 96–511)'' and adding ''(44 U.S.C. chapter 35)'' in its place.

4. Amend section 1.107 by revising the introductory paragraph 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 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction 41 U.S.C. chapter 67, Service Contract Labor Standards; or 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 read as follows:

1.110 Positive Law codification.

(a) Public Law 107–217 revised, codified, and enacted as title 40, United States Code, Public Buildings, Property, and Works, certain general and permanent laws of the United States.

(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.

Historical title of Act	Division/chapter/subchapter	Title
Anti-Kickback Act	41 U.S.C. chapter 87	Kickbacks.
Brooks Architect-Engineer Act	40 U.S.C. chapter 11	Selection of Architects and Engineers.
Buy American Act	41 U.S.C.chapter 83	Buy American.
Contract Disputes Act of 1978	41 U.S.C.chapter 71	Contract Disputes.
Contract Work Hours and Safety Standards Act	40 U.S.C. chapter 37	Contract Work Hours and Safety Standards.
Davis-Bacon Act	40 U.S.C. chapter 31, Subchapter IV	Wage Rate Requirements (Construction).
Drug-Free Workplace Act	41 U.S.C.chapter 81	Drug-Free Workplace.
Federal Property and Administrative Services Act of 1949, Title III.	41 U.S.C. Div. C of subtitle I*	Procurement.
Javits-Wagner-O'Day Act	41 U.S.C. chapter 85	Committee for Purchase from People Who Are Blind or Severely Disabled.
Miller Act	40 U.S.C. chapter 31, subchapter III	Bonds.
Office of Federal Procurement Policy Act	41 U.S.C. Div. B of subtitle I**	Office of Federal Procurement Policy.
Procurement Integrity Act	41 U.S.C. chapter 21	Restrictions on Obtaining and Disclosing Certain Information.
Service Contract Act of 1965	41 U.S.C. chapter 67	Service Contract Labor Standards.
Truth in Negotiations Act	41 U.S.C. chapter 35	Truthful Cost or Pricing Data.
Walsh-Healey Public Contracts Act	41 U.S.C. chapter 65	Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000.

* Except sections 3302, 3501(b), 3509, 3906, 4710, and 4711.
** Except sections 1704 and 2303.

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. * * *

* * * * *

1.501–1 [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]

9. Amend section 1.602–3 by removing from paragraph (b)(5) ''under the Contract Disputes Act of 1978'' and adding ''under 41 U.S.C. chapter 71, Contract Disputes,'' in its place.

1.603–1 [Amended]

10. Amend section 1.603–1 by removing ''Subsection 414(4) of Title 41, United States Code,'' and adding ''41 U.S.C. 1702(b)(3)(F)'' in its place.

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 ''to 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 its place, respectively;

d. Removing from the definition ''Commercially available off-the-shelf (COTS) item'', in paragraph (2), ''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;

e. 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;

f. Removing from the definition ''Humanitarian or peacekeeping operation'' the citation ''41 U.S.C. 259(d)'' and adding ''41 U.S.C. 153(2)'' in its place;

g. Revising the definition ''Ineligible'';

h. Removing from the definition ''Major system'', in paragraph (3), ''41 U.S.C. 403'' and adding ''41 U.S.C. 109'' in its place;

i. Revising the definition ''Micro-purchase threshold'';

j. Revising the definition ''Senior procurement executive'';

k. Removing from the definition ''Simplified acquisition threshold'' in the introductory paragraph, ''(41 U.S.C. 428a)'' and adding ''(41 U.S.C. 1903)'' in its place;

l. Removing from the definition ''Technical data'' the words ''(See 41 U.S.C. 403(8))'' and adding ''(See 41 U.S.C. 116)'' in its place; and

m. Revising the definition ''Value engineering'' to read as follows:

2.101 Definitions.

* * * * *

(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.

* * * * *

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.

* * * * *

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 3—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.

* * * * *

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 introductory text of paragraph (a) ''(subsection 27(a) of the Act)'' and adding ''(41 U.S.C. 2102)'' in its place;

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

c. Removing from the introductory text 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 introductory text of paragraph (d) ''subsection 27(d) of the Act'' and adding ''(41 U.S.C. 2103)'' in its place.

3.104–4 [Amended]

15. Amend section 3.104–4 by removing from paragraph (f)(1) ''section 27 of the Act'' and adding ''41 U.S.C. chapter 21'' in its place.

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; and

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(c)(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 paragraph ''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. 253b(i)'' 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]

20. Amend section 3.400 by removing ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 3901'' in its place.

3.402 [Amended]

21. Amend section 3.402 by removing from the introductory paragraph ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 3901'' in its place.

3.502–1 [Amended]

22. Amend section 3.502–1 by removing from the definition ''Kickback'' '', 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) ''the Act'' and adding ''Kickbacks statute'' in its place; and

c. Revising (j) to read 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 contractor a subcontract relating to a prime contract. The Kickbacks statute—

* * * * *

(d) Provides that—

(3) An offset under subparagraph (d)(1) or a direction under subparagraph (d)(2) of this subsection is a claim by the Government for the purposes of 41 U.S.C. chapter 71, Contract Disputes.

* * * * *

(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 subsection, a prime contractor shall cooperate fully with any Federal Government agency investigating a violation of 41 U.S.C. 8702 (See also 41 U.S.C. 8703(b)).

3.503–1 [Amended]

24. Amend section 3.503–1 by removing ''41 U.S.C. 253g'' and adding ''41 U.S.C. 4704'' in its place.

25. Amend section 3.703 by revising the introductory text of paragraph (b) and (b)(1) to read as follows:

3.703 Authority.

* * * * *

(b) 41 U.S.C. 2105(c) requires a Federal agency, upon receiving information that a contractor or a person 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 property 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 therefore, 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. Amend section 3.900 by revising paragraph (a) to read as follows:

3.900 Scope of subpart.

(a) Sections 3.901 through 3.906 of this subpart implements 10 U.S.C. 2409 and 41 U.S.C. 4705.

* * * * *

PART 4—ADMINISTRATIVE MATTERS

29. Revise section 4.500 to read as follows:

4.500 Scope of subpart.

This subpart provides policy and procedures for the establishment and use of electronic commerce in Federal acquisition as required by 41 U.S.C. 2301.

4.502 [Amended]

30. Amend section 4.502 by removing from the introductory text of paragraph (b) ''Section 30 of the OFPP Act (41 U.S.C. 426)'' and adding ''41 U.S.C. 2301'' in its place.

31. Amend section 4.602 by revising paragraph (a)(2) to read as follows:

4.602 General.

(a) * * *

* * * * *

(2) A means of measuring and assessing the effect of Federal contracting on the Nation's economy and the extent to which small, veteran-owned small, service-disabled veteran-owned small, HUBZone small, small disadvantaged, women-owned small business concerns, and AbilityOne nonprofit agencies operating under 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled, are sharing in Federal contracts;

* * * * *

4.805 [Amended]

32. Amend section 4.805 by removing from paragraph (b)(1) ''Act'' and adding ''statute'' in its place.

4.1202 [Amended]

33. Amend section 4.1202 by—

(a) Removing from paragraphs (p) and (q) ''Act'' and adding ''Labor Standards'' in its place;

(b) Removing from paragraph (u) ''Buy American Act'' and adding ''Buy American Certificate.'' in their places; and

(c) Removing from paragraph (v) ''Buy American Act'' and adding ''Buy American-Free'' in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

34. Amend section 5.101 by revising the introductory text of paragraph (a) to read as follows:

5.101 Methods of disseminating information.

(a) As required by the Small Business Act (15 U.S.C. 637(e)) and 41 U.S.C. 1708, contracting officers must disseminate information on proposed contract actions as follows:

* * * * *

35. 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.

* * * * *

36. Amend section 5.202 by revising paragraph (a)(4) to read as follows:

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 the Purchase from People Who Are Blind or Severely Disabled;

* * * * *

37. Amend section 5.207 by removing from paragraph (c)(14)(i) ''Act''; 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 Government Procurement Agreement and Free Trade Agreements.''

* * * * *

PART 6—COMPETITION REQUIREMENTS

6.000 [Amended]

38. Amend Section 6.000 by removing ''and competition advocates'' and adding ''and advocates for competition'' in its place.

6.101 [Amended]

39. Amend section 6.101 by removing from paragraphs (a) and (b) ''41 U.S.C. 253'' and adding ''41 U.S.C. 3301'' in their places.

6.102 [Amended]

40. Amend section 6.102 by removing from paragraph (d)(3) ''41 U.S.C. 259(b)(3)(A)'' and adding ''41 U.S.C. 152(3)(A)'' in its place.

6.301 [Amended]

41. 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]

42. 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)'';

(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)''; and

(c) Removing from paragraph (a)(2)(ii)(B) ''41 U.S.C. 253(d)(1)(B)'' and adding ''41 U.S.C. 3304(b)(2)'' in its place.

6.302–2 [Amended]

43. Amend section 6.302–2 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(2)'' and adding ''41 U.S.C. 3304(a)(2)'' in its place.

6.302–3 [Amended]

44. Amend section 6.302–3 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(3)'' and adding ''41 U.S.C. 3304(a)(3)'' in its place.

6.302–4 [Amended]

45. Amend section 6.302–4 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(4)'' and adding ''41 U.S.C. 3304(a)(4)'' in its place.

46. Amend section 6.302–5 by revising paragraphs (a)(1), (b)(2), (c)(1)(ii), and (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) *Limitations.*

(1) * * *

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

(iii) 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]

47. Amend section 6.302–6 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(6)'' and adding ''41 U.S.C. 3304(a)(6)'' in its place.

6.302–7 [Amended]

48. Amend section 6.302–7 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(7)'' and adding ''41 U.S.C. 3304(a)(7)'' in its place.

6.304 [Amended]

49. 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]

50. Amend section 6.305 by removing from paragraph (a) ''41 U.S.C. 253(j).'' and adding ''41 U.S.C. 3304(f).'' in its place.

51. Amend subpart 6.5 by revising the heading as set forth below:

SUBPART 6.5—ADVOCATES FOR COMPETITION

52. Amend section 6.501 by revising the introductory paragraph 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]

53. Amend section 6.502 by removing from paragraphs (a) and (b) ''competition advocates'' and adding ''advocates for competition'' in their places.

PART 7—ACQUISTION PLANNING

7.102 [Amended]

54. Amend section 7.102 by removing from paragraph (a)(1) ''41 U.S.C. 251, *et seq.*'' and adding ''41 U.S.C. 3307'' in its place; and removing from paragraph (a)(2) ''10 U.S.C. 2301(a)(5) and 41 U.S.C. 253a(a)(1)'' and adding ''10 U.S.C. 2305(a)(1)(A) and 41 U.S.C. 3306(a)(1)'' in its place.

7.103 [Amended]

55. Amend section 7.103 by—

a. Removing from paragraph (a) ''41 U.S.C. 253a(a)(1))'' and adding ''10 U.S.C. 2305(a)(1)(A) and 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]

56. Amend section 7.104 by removing from paragraph (c) ''competition advocate'' and adding ''advocate for competition'' in its place.

7.108 [Amended]

57. Amend section 7.108 by removing from the introductory paragraph ''section 1428 of Public Law 108–136'' and adding ''41 U.S.C. 3306(f)'' in its place.

7.202 [Amended]

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

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.401 [Amended]

59. Amend section 8.401 in the definition ''Multiple Award Schedule (MAS)'' by removing ''Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251, *et seq.*) and Title'' and adding ''41 U.S.C. 152(3), Competitive Procedures, and'' in its place.

8.403 [Amended]

60. Amend section 8.403 by removing from the introductory text of paragraph (c) ''Public Law 108–136'' and adding ''Public Law 108–136 (40 U.S.C. 1103 note)'' in its place.

8.405–3 [Amended]

61. Amend section 8.405–3 by removing from paragraph (e)(3) ''competition advocate'' and adding ''advocate for competition'' in its place.

8.405–6 [Amended]

62. Amend section 8.405–6 by removing from paragraph (d)(2) ''competition advocate'' and adding ''advocate for competition'' in its place.

8.602 [Amended]

63. Amend section 8.602 by removing from the introductory text of paragraph (a) ''(Pub. L. 108–447)'' and adding ''(Pub. L. 108–447) (18 U.S.C. 4124 note)'' in its place.

64. Amend section 8.603 by revising the introductory text of paragraph (a); and removing from paragraph (a)(1) ''(41 U.S.C. 48)'' and adding ''(41 U.S.C. 8504)'' in its place.

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:

* * * * *

65. Revise section 8.700 to read as follows:

8.700 Scope of subpart.

This subpart prescribes the policies and procedures for implementing—

(a) 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled; and

(b) The rules of the Committee Purchase from People Who Are Blind or Severely Disabled (41 CFR Chapter 51), which implements the AbilityOne program.

8.701 [Amended]

66. Amend section 8.701 by—

a. Removing from the definition ''Procurment List'' ''the Javits-Wagner-O'Day Act'' and adding ''41 U.S.C. chapter 85'' in its place; and

b. Removing from the definition ''Nonprofit agency serving people who are blind,'' the words ''the Act'' and adding ''41 U.S.C. chapter 85'' in its place.

8.702 [Amended]

67. Amend section 8.702 by removing from paragraph (c) ''the Javits-Wagner-O'Day Act'' and adding ''41 U.S.C. chapter 85'' in its place.

8.704 [Amended]

68. Amend section 8.704 by removing from the introductory text of paragraph (a) ''The Javits-Wagner-O'Day Act'' and adding ''41. U.S.C. chapter 85'' in its place; and removing from paragraph (a)(1)(i) ''(41 U.S.C. 48)'' and adding ''(41 U.S.C. 8504)'' in its place.

8.1104 [Amended]

69. Amend section 8.1104 by removing from paragraph (e)(3) ''Walsh-Healey Public Contracts Act'' and adding ''Contracts for Materials, Supplies. Articles, and Equipment Exceeding $15,000'' in its place.

PART 9—CONTRACTOR QUALIFICATIONS

9.102 [Amended]

70. 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.

71. 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. The revised text reads as follows:

9.107 Surveys of nonprofit agencies participating in the AbilityOne Program.

* * * * *

9.200 [Amended]

72. Amend section 9.200 by removing ''41 U.S.C. 253(e)'' and adding ''41 U.S.C. 3311'' in its place.

9.202 [Amended]

73. Amend section 9.202 by removing from paragraph (b) ''competition advocate'' and adding '' advocate for competition'' in its place (twice).

9.402 [Amended]

74. Amend section 9.402 by removing from paragraph (d) ''(Pub. L. 110–417)'' and adding ''(Pub. L. 110–417) (31 U.S.C. 6101 note)'' in its place.

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

9.406–2 Causes for debarment.

* * * * *

(b) * * *

(ii) Violations of 41 U.S.C. chapter 81, Drug-Free Workplace, as indicated by—

* * * * *

9.406–4 [Amended]

76. Amend section 9.406–4 by removing from paragraph (a)(1)(i) ''the Drug-Free Workplace Act of 1988'' and adding ''41 U.S.C. chapter 81, Drug Free Workplace'' in its place.

77. Amend section 9.407–2 by revising the introductory text of paragraph (a)(4) to read as follows:

9.407–2 Causes for suspension.

(a) * * *

(4) Violations of 41 U.S.C. chapter 81, Drug-Free Workplace, as indicated by—

* * * * *

PART 10—MARKET RESEARCH

10.000 [Amended]

78. Amend section 10.000 by removing ''41 U.S.C. 253a(a)(1), 41 U.S.C. 264b'' and adding ''41 U.S.C. 3306(a)(1), 41 U.S.C. 3307'' in its place.

PART 11—DESCRIBING AGENCY NEEDS

11.002 [Amended]

79. 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]

80. Amend section 11.103 by removing from the introductory text of paragraph (a) ''Section 8002(c) of Pub. L. 103–355'' and adding ''41 U.S.C. 3307(e)'' in its place.

11.500 [Amended]

81. Amend section 11.500 by removing ''Act'' and adding ''statute'' in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.000 [Amended]

82. Amend section 12.000 by removing ''Title VIII of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355)'' and adding ''41 U.S.C. 1906, 1907, and 3307 and 10 U.S.C. 2375–2377'' in its place.

12.102 [Amended]

83. Amend section 12.102 by removing from the introductory text of paragraph (g)(1) ''section 1431 of the National Defense Authorization Act for Fiscal Year 2004 (Public law 108–136) (41 U.S.C. 437)'' and adding ''41 U.S.C. 2310'' in its place.

84. Revise section 12.103 to read as follows:

12.103 Commercially available of-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.

85. Revise section 12.201 to read as follows:

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]

86. Amend section 12.301 by removing from the introductory text of paragraph (a) ''Section 8002 of Public Law 103–355 (41 U.S.C. 264, note)'' and adding ''41 U.S.C. 3307'' in its place.

12.404 [Amended]

87. Amend section 12.404 by removing from the introductory text of paragraph (b) ''The Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 264 note)'' and adding ''41 U.S.C. 3307(e)(5)(B)'' in its place.

12.500 [Amended]

88. Amend section 12.500 by removing from the introductory text of paragraph (a) ''sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430 and 431)'' and adding ''41 U.S.C. 1906 and 1907'' in its place.

12.502 [Amended]

89. Amend section 12.502 by removing from paragraph (b) ''and Commercial Components''.

90. Amend section 12.503 by—

a. Revising paragraphs (a)(1) through (a)(4), (a)(7), (a)(8), (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 3.404).

(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).

* * * * *

(7) 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), Payment Protections for Subcontractors and Suppliers (see 28.106–6).

(8) 41 U.S.C. 4706(d)(1) and 10 U.S.C. 2313(c)(1), GAO Access to Contractor Employees, Section 871 of Pub. L. 110–417 (see 52.214–26 and 52.215–2).

* * * * *

(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 15.403).

* * * * *

91. Amend section 12.504 by—

a. Revising paragraph (a)(4) through (a)(6);

b. Removing from paragraph (a)(7) ''41 U.S.C. 254d(c)'' and adding ''41 U.S.C. 1708(e)(3)'' in its place;

c. Revising paragraphs (a)(8) through (a)(10);

d. Removing from paragraph (a)(13) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place;

e. Removing from paragraph (b) ''Act, 40 U.S.C. 3701, *et seq.*'' and adding ''statute, 40 U.S.C. chapter 37'' in its place; and

f. Revising paragraphs (c)(1) through (c)(3).

The revised text reads as follows:

12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) * * *

(4) 41 U.S.C. 6505, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (see Subpart 22.6).

(5) 41 U.S.C. 4703, Validation of Property Data restrictions (see subpart 27.4).

(6) 41 U.S.C. 3901(b) and 10 U.S.C. 2306(b), Contingent Fees (see subpart 3.4).

* * * * *

(8) 41 U.S.C. 1708(e)(3), Minimum Response Time for Offers (see subpart 5.2).

(9) 41 U.S.C. 2302, Rights in Technical Data (see subpart 27.4)

(10) 41 U.S.C. chapter 81, Drug-Free Workplace (see subpart 23.5).

* * * * *

(c) * * *

(1) 41 U.S.C. 4704 and 10 U.S.C. 2402, Prohibition on Limiting Subcontractor Direct Sales to the United States (see subpart 3.5).

(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)

(3) 41 U.S.C. chapter 15, Cost Accounting Standards (48 CFR chapter 99) (see 12.214).

92. Amend section 12.505 by revising paragraphs (a)(1) and (a)(2) to read as follows:

12.505 Applicability of certain laws to contract 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 Unites 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

13.005 [Amended]

93. 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;

c. Removing from paragraph (a)(1) ''41 U.S.C. 57(a) and (b) (Anti Kickback Act of 1986)'' and adding ''41 U.S.C. 8703 (Kickbacks statute)'' in its place;

d. Removing from paragraph (a)(2) ''40 U.S.C. 3131 (Miller Act). (Although the Miller Act does'' and adding ''40 U.S.C. 3131 (Bonds Statute). (Although the Bonds Statute does'' in its place;

e. Revising paragraphs (a)(3), (a)(4), and (a)(6) through (a)(8); and

f. Removing from paragraph (c)(2) ''Public Law 103–355'' and adding ''Public Law 103–355 41 U.S.C. 1905'' in its place.

The revised text reads as follows:

13.005 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).

(7) 10 U.S.C. 2313 and 41 U.S.C. 4706 (Authority to Examine Books and Records of Contractors).

(8) 10 U.S.C. 2402 and 41 U.S.C. 4704 (Prohibition on Limiting Subcontractors Direct Sales to the United States).

* * * * *

13.006 [Amended]

94. Amend section 13.006 by removing from paragraph (e) the word ''Act''.

13.302–5 [Amended]

95. Amend section 13.302–5 by removing from the introductory text of paragraph (d)(3)(i) ''Buy American Act'' and adding ''Buy American'' in its place (two times).

13.500 [Amended]

96. Amend section 13.500 by removing from the introductory text of paragraph (a) ''41 U.S.C. 253(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 paragraph (e) ''41 U.S.C. 428a'' and adding ''41 U.S.C. 1903'' in its place.

13.501 [Amended]

97. 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. 428a)'' 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]

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

14.404–2 [Amended]

99. Amend section 14.202–2 by removing from paragraph (l) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place.

PART 15—CONTRACTING BY NEGOTIATION

15.207 [Amended]

100. 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]

101. Amend section 15.209 by removing from the introductory text of paragraph (b)(1) ''41 U.S.C. 254d'' and adding ''41 U.S.C. 4706'' in its place.

15.303 [Amended]

102. 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

b. Removing from paragraph (b)(6) ''10 U.S.C. 2305(b)(4)(B) 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.

15.304 [Amended]

103. Amend section 15,304 by—

a. Removing from paragraph (c)(1) ''41 U.S.C. 253a(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;

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

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

d. Removing from paragraph (e)(3) ''41 U.S.C. 253a(c)(1)(C)'' and adding ''41 U.S.C. 3306(c)(1)(C)'' in its place.

15.306 [Amended]

104. 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;

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

c. Removing from paragraphs (e)(3) and (e)(5) ''41 U.S.C. 423(h)(1)(2)'' and adding ''41 U.S.C. 2102 and 2107'' in its place (two times).

15.401 [Amended]

105. Amend section 15.401 by removing from the definition ''Subcontract'' the citation ''41 U.S.C. 254b'' and adding ''41 U.S.C. chapter 35'' in its place.

106. Amend section 15.403–1 by—

a. Revising the section heading;

b. Removing from paragraph (c)(3)(ii) ''section 868 of Pub. L. 110–417'' and adding ''41 U.S.C. 3501'' in its place;

c. Removing from paragraph (c)(3)(ii)(A) ''41 U.S.C. 254b'' and adding ''41 U.S.C. chapter 35 in its place''; and

d. Removing from paragraph (c)(3)(iv) ''41 U.S.C. 428a'' and adding ''41 U.S.C. 1903'' in its place.

The revised text reads as follows:

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

* * * * *

15.403–3 [Amended]

107. 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 paragraph (c)(2) 41 U.S.C. 254b(d)(2)'' and adding ''41 U.S.C. 3505(b)'' in its place.

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

15.403–4 Requiring certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

* * * * *

15.404–1 [Amended]

109. Amend section 15.404–1 by removing from paragraph (f)(2) ''10 U.S.C. 2304 and 41 U.S.C. 254(d)(5)(A)(i)'' and adding ''10 U.S.C. 2306a(b)(1)(A)(i) and 41 U.S.C. 3503(a)(1)(A)'' in its place.

15.404–2 [Amended]

110. Amend section 15.404–2 by removing from paragraph (c)(2) ''41

U.S.C. 254d'' and adding ''41 U.S.C. 4706'' in its place.

15.404–4 [Amended]

111. Amend section 15.404–4 by removing from paragraph (c)(4)(i) ''41 U.S.C. 254(b)'' and adding ''41 U.S.C. 3905'' in its place; and removing from paragraph (d)(1)(iii) ''handicapped sheltered workshops'' and adding ''sheltered workshops for workers with disabilities'' in its place.

15.407–1 [Amended]

112. Amend section 15.407–1 by removing from paragraph (d)(1) ''Disputes Act'' and adding ''Disputes statute'' in its place.

15.503 [Amended]

113. Amend section 15.503 by removing from the introductory text of paragraph (b)(1) ''41 U.S.C. 253b(c)'' and adding ''41 U.S.C. 2704'' in its place.

15.505 [Amended]

114. Amend section 15.505 by removing from the introductory text ''41 U.S.C. 253b(f)–(h)'' and adding ''41 U.S.C. 3705'' in its place.

PART 16—TYPES OF CONTRACTS

16.102 [Amended]

115. Amend section 16.102 by—

a. Removing from paragraph (b) ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 3901'' in its place; and

b. Removing from paragraph (c) ''41 U.S.C. 254(b)'' and adding ''41 U.S.C. 3905(a)'' in its place.

16.501–2 [Amended]

116. Amend section 16.501–2 by removing from paragraph (a) ''Pursuant to 10 U.S.C. 2304d and section 303K of the Federal Property and Administrative Service Act of 1949'' and adding ''Pursuant to 10 U.S.C. and 41 U.S.C. 4101'' in its place.

16.505 [Amended]

117. Amend section 16.505 by—

a. Removing from paragraph (a)(9) ''Public Law 108–136'' and adding ''Public Law 108–136, 40 U.S.C. 1103 note'' in its place; and

b. Removing from paragraphs (b)(2)(ii)(c)(*2*) and (b)(6) ''competition advocate'' and adding ''advocate for competition'' in its place.

PART 17—SPECIAL CONTRACTING METHODS

118. Revise section 17.101 to read as follows:

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.

119. Amend section 17.109 by revising paragraph (b)(1) to read as follows:

17.109 Contract clauses.

* * * * *

(b) * * *

(1) Shall add the clause at 52.222–43, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts), when the contract includes the clause at 52.222–41, Service Contract Labor Standards;

* * * * *

17.204 [Amended]

120. Amend section 17.204 by removing from paragraph (e) ''Contract Act'' and adding ''Contract Labor Standards Statute'' in its place.

121. Amend section 17.501 by revising paragraph (d) to read as follows:

17.501 General.

* * * * *

(d) An agency shall not use an interagency acquisition to make acquisitions conflicting with any other agency's authority or responsibility (for example, that of the Administrator of General Services under title 40, United States Code, ''Public Buildings, Property and Works'' and 41 U.S.C. division C of subtitle I, Procurement.

17.602 [Amended]

122. Amend section 17.602 by removing from paragraph (a) ''the Competition in Contracting Act of 1984'' and adding ''41 U.S.C. chapter 33'' in its place.

PART 19—SMALL BUSINESS PROGRAMS

123. Amend section 19.000 by revising the introductory text of paragraph (a); by redesignating paragraphs (a)(1) through (a)(12) as paragraphs (a)(2) through (a)(13), respectively; and adding a new paragraph (a)(1) to read as follows:

19.000 Scope of part.

(a) This part implements—

(1) The acquisition-related sections of the Small Business Act (15 U.S.C. 631, *et seq.*); applicable sections of 10 U.S.C. 2302, *et seq.;* 41 U.S.C. 3104; 10 U.S.C. 2323; and Executive Order 12138, May 18, 1979. It covers—

* * * * *

124. Amend section 19.201 by revising paragraph (d) to read as follows:

19.201 General policy.

* * * * *

(d) The Small Business Act requires each agency with contracting authority to establish an Office of Small and Disadvantaged Business Utilization (see section (k) of the Small Business Act). For the Department of Defense, in accordance with section 904 of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109–163) (10 U.S.C. 144 note), the Office of Small and Disadvantaged Business Utilization has been redesignated as the Office of Small Business Programs. Management of the office shall be the responsibility of an officer or employee of the agency who shall, in carrying out the purposes of the Act—

* * * * *

19.800 [Amended]

125. Amend section 19.800 by removing from paragraph (a) ''agencies and let'' and adding ''agencies and award'' in its place.

19.811–1 [Amended]

126. Amend section 19.811–1 by removing from paragraph (b)(1) ''41 U.S.C. 253(c)(5)'' and adding ''41 U.S.C. 3304(a)(5)'' in its place.

19.1304 [Amended]

127. Amend section 19.1304 by removing from paragraph (a)(2) ''Javits-Wagner-O'Day Act participating'' and adding ''Ability one participating'' in its place.

19.1404 [Amended]

128. Amend section 19.1404 by removing from paragraph (a)(2) ''Javits-Wagner-O'Day Act participating'' and adding ''Ability one participating'' in its place.

19.1504 [Amended]

129. Amend section 19.1504 by removing from paragraph (a)(2) ''Javits-Wagner-O'Day Act participating'' and adding ''Ability one participating'' in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

130. Amend section 22.001 by—

a. Removing from the definition ''e98'' the words ''Contract Act'' and adding ''Contract Labor Standards statute'' in its place; and

b. Revising the definition ''Wage Determination Online (WDOL)'' to read as follows:

22.001 Definitions.

* * * * *

Wage Determinations OnLine (WDOL) means the Government Internet Web

site for both Construction Wage Rate Requirements statute and Service Contract Labor Standards statute wage determinations available at *http://www.wdol.gov.*

* * * * *

22.102–1 [Amended]

131. Amend section 22.102–1 by removing from paragraph (h) ''the handicapped'' and adding ''workers with disabilities'' in its place.

132. Amend section 22.102–2 by revising paragraph (c) to read as follows:

22.102–2 Administration.

* * * * *

(c)(1) The U.S. Department of Labor is responsible for the administration and enforcement of the Occupational Safety and Health Act. The Department of Labor's Wage and Hour Division is responsible for administration and enforcement of numerous wage and hour statutes including—

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

(ii) 40 U.S.C. chapter 37, Contract Work Hours and Safety Standards;

(iii) The Copeland Act (18 U.S.C. 874 and 40 U.S.C. 3145);

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

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

(2) Contracting officers should contact the Wage and Hour Division's regional offices when required by the subparts relating to these statutes unless otherwise specified. Addresses for these offices may be found at 29 CFR 1, Appendix B.

133. Amend section 22.202 by revising paragraph (a) to read as follows:

22.202 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;

* * * * *

134. 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]

135. Amend section 22.301 by removing ''Act requires'' and adding ''statue requires'' in its place.

22.302 [Amended]

136. Amend section 22.302 by removing from paragraphs (a), (b), and (c) ''the Act'' and adding ''the statue'' in its place.

22.303 [Amended]

137. Amend section 22.303 by removing ''the Act'' and adding ''the statue'' in its place.

22.304 [Amended]

138. Amend section 22.304 by removing from paragraph (a) ''the Act'' and adding ''the statue'' in its place.

139. Amend section 22.305 by revising the introductory paragraph, paragraph (d) and paragraph (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—

* * * * *

(d) To be performed outside the United States, Puerto Rico, 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) (29 CFR 5.15);

(e) For work to be done solely in accordance with 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000, (see Subpart 22.6);

* * * * *

22.401 [Amended]

140. 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]

141. Amend section 22.402 by removing from paragraph (b)(1)(ii) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statute'' in its place.

142. Revise section 22.403–1 to read as follows:

22.403–1 Construction Wage Rate Requirements statue.

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.

143. Revise section 22.403–3 to read as follows:

22.403–3 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 ½ times the basic rate of pay (see 22.301).

144. 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.

* * * * *

22.404 [Amended]

145. Amend section 22.404 by removing from the section heading ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statue'' in its place.

22.404–1 [Amended]

146. 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]

147. Amend section 22.401–11 by removing ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statute'' in its place.

22.404–12 [Amended]

148. 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.

22.406–2 [Amended]

149. Amend section 22.406–2 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]

150. 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]

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 statue'' in its place.

151. Amend section 22.406–9 by—

a. Removing from paragraph (a) ''Standards Act'' and adding ''Standards statue'' 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 its 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 contractor of 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).

* * * * *

152. Amend section 22.406–10 by revising paragraph (f) to read 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 Section 3(a) of that statute.

153. 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.

154. 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.

155. Amend section 22.407 by—

a. Removing from paragraphs (a)(1) and (a)(8) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements'' in its place;

b. Removing from paragraph (e) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements'' in its place;

c. Removing from paragraph (e)(1) and (e)(2) Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statute'' in its place;

d. Revising paragraphs (f) and (g); and

e. 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.

* * * * *

(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).

* * * * *

156. Revise the heading of Subpart 22.6 to read as follows:

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

157. 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 other 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]

158. Amend section 22.604–1 by removing from the introductory text ''the Act'' and adding ''the statute'' in its place.

22.604–2 [Amended]

159. Amend section 22.604–2 by removing from paragraphs (a) and (a)(3) ''the Act'' and adding ''the statute'' in their places.

22.605 [Amended]

160. Amend section 22.605 by removing from paragraphs (a), (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) ''the Act'' and adding ''the statute'' in their places.

22.608 [Amended]

161. Amend section 22.608 by removing from paragraphs (a) and (b) ''the Act'' and adding ''the statute'' in their places.

162 Revise section 22.610 to read as follows:

22.610 Contract clause.

The contracting officer shall insert the clause at 52.222–20, 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).

163. Revise the heading of Subpart 22.10 to read as follows:

Subpart 22.10—Service Contract Labor Standards

164. Revise section 22.1000 to read as follows:

22.1000 Scope of subpart.

This subpart prescribes policies and procedures implementing the provisions of 41 U.S.C. chapter 67, Service Contract Labor Standards, the applicable provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201, et seq.), and related Secretary of Labor regulations and instructions (29 CFR Parts 4, 6, 8, and 1925).

165. Amend section 22.1001 by—

a. Removing the definition ''Act'';

b. Removing from the definition ''Contractor'' the words ''the Act'' and adding ''the statute'' in its place; and

c. Revising the definitions ''Service contract'', ''United States'', ''Wage and Hour Division'' and ''Wage determination'' to read as follows:

22.1001 Definitions.

* * * * *

Service contract means any Government contract, the principal purpose of which is to furnish services in the United States through the use of service employees, except as exempted under 41 U.S.C. 6702, see 22.1003–3 and 22.1003–4, or any subcontract at any tier thereunder. See 22.1003–5 and 29 CFR 4.130 for a partial list of services covered by the Service Contract Labor Standards statute.

* * * * *

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]

166. Amend section 22.1002–1 by removing ''41 U.S.C. 353(d)'' and adding ''41 U.S.C. 6707(d)'' in its place.

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

22.1003–2 Geographical coverage of the Service Contract Labor Standards statute.

The Service Contract Labor Standards statute applies to service contracts performed in the United States (see 22.1001). The Service Contract Labor Standards statute does not apply to contracts performed outside the United States.

168. Amend section 22.1003–3 by revising the introductory text and paragraph (b) to read as follows:

22.1003–3 Statutory exemptions.

The Service Contract Labor Standards statute does not apply to—

* * * * *

(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;

* * * * *

169. Amend section 22.1003–4 by—

a. Revising paragraph (a);

b. Removing from the introductory text of paragraph (b) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place;

c. Removing from the introductory text of paragraph (c)(1) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place;

d. Removing from paragraph (c)(3)(i) ''Contract Act'' and adding ''Contract Labor Standards statue'' in its place;

e. Removing from paragraphs (c)(3)(ii) and (c)(3)(iii) ''Contract Act'' and adding ''Contract Labor Standards'' in its place;

f. Removing from paragraph (c)(4)(i) ''Contract Act'' and adding ''Contract Labor Standards statue'' in its place;

g. Removing from paragraphs (c)(4)(ii), and (d)(1) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in their places;

h. Removing from paragraph (d)(1)(iv) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statue'' in its place;

i. Removing from paragraphs (d)(3)(i), (d)(3)(ii) introductory text, and (d)(3)(iii) ''Contract Act'' and adding ''Contract Labor Standards'' in their places;

j. Removing from paragraphs (d)(4)(i) and (d)(4)(ii) ''Contract Act'' and ''the Act'' and adding ''Contract Labor Standards statute'' and ''Service Contract Labor Standards statue'' in their places; respectively; and

k. Revising paragraphs (d)(5)(i) and (d)(5)(iii).

The revised text reads as follows:

22.1003–4 Administrative limitations, variations, tolerances, and exemptions.

(a) The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of the Service Contract Labor Standards statute other than 41 U.S.C. 6707(f). These will be made only in special circumstances where it has been determined that the limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of Government business, and is in accord with the remedial purpose of the Service Contract Labor Standards statute to protect prevailing labor standards (41 U.S.C. 6707(b)). See 29 CFR 4.123 for a listing of administrative exemptions, tolerances, and variations. Requests for limitations, variances, tolerances, and exemptions from the Service Contract Labor Standards statute shall be submitted in writing through contracting channels and the agency labor advisor to the Wage and Hour Administrator.

* * * * *

(d) * * *

(5) * * *

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

* * * * *

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

22.1003–5 [Amended]

170. Amend section 22.1003–5 by removing from introductory text ''the Act'' and adding ''the Service Contract Labor Standards statue'' in its place.

171. Amend section 22.1003–6 by revising paragraph (a); and by removing from paragraph (b) ''Contract Act'' and adding ''Contract Labor Standards statute'' in its place.

The revised text reads as follows:

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 subparagraphs (a)(1) or (a)(2) of this subsection are met.

* * * * *

22.1003–7 [Amended]

172. Amend section 22.1003–7 by removing ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place.

22.1004 [Amended]

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

22.1006 [Amended]

174. Amend section 22.1006 by—

a. Removing from the introductory text of paragraph (a)(1) the words ''Act of 1965'' and ''the Act'' and adding ''Labor Standards'' and ''the Service Contract Labor Standards statue'' in its place, respectively;

b. Removing from paragraph (a)(2) ''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'' in their places;

d. Revising paragraph (a)(2)(ii) to read as follows;

e. Removing from paragraph (b) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place.

22.1008–1 [Amended]

175. 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.

176. Amend section 22.1008–2 by—

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

b. Removing from paragraphs (b) introductory text, (c) introductory text, (c)(1), and (c)(2) introductory text ''section 4(c) of the Act'' and adding ''41 U.S.C. 6707(c)'' in its place;

c. Removing from paragraph (d)(1) ''section 4(c) of the Act'' and adding ''41 U.S.C. 6707(c)''; and removing ''Service Contract Act of 1965'' and adding ''Service Contract Labor Standards,'' in its place;

d. Removing from paragraph (d)(3) ''applicability of the Act'' and adding ''applicability of the Service Contract Labor Standards statute'' in its place; and

e. 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]

177. Amend section 22.1009–4 by removing from paragraph (b) ''Service Contract Act Place'' and adding ''Service Contract Labor Standards-Place'' in its place.

22.1012–2 [Amended]

178. 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.

22.1015 [Amended]

179. Amend section 22.1015 by removing ''Service Contract Act'' and ''section 10 of the Act (41 U.S.C. 358)'' and adding ''Service Contract Labor Standards statute'' and ''41 U.S.C. 6707 (f),'' in its place, respectively.

22.1018 [Amended]

180. Amend section 22.1018 by—

a. Removing from paragraphs (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 its place, respectively.

22.1019 [Amended]

181. Amend section 22.1019 by—

a. Removing from paragraphs (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 its place, respectively.

22.1020 [Amended]

182. Amend section 22.1020 by removing ''Service Contract Act of 1965'' and adding ''Service Contract Labor Standards.'' in its place.

22.1022 [Amended]

183. 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 its place, respectively.

184. 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]

185. Amend section 22.1025 by removing ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place twice.

22.1026 [Amended]

186. Amend section 22.1026 by removing ''Act of 1965'' and adding ''Labor Standards'' in its place.

187. 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.

188. Revise section 22.1502 to read as follows:

22.1502 Policy.

Agencies must take 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 65. Agencies should make every effort to avoid acquiring such products.

189. Amend section 22.1801 in the definition ''Commercially available off-the-sheet (COTS) item'' by revising the first sentence of paragraph (2) to read as follows:

22.1801 Definitions.

* * * * *

Commercially available off-the-sheet (COTS) item * * *

(2) Does not include bulk cargo, as defined 46 U.S.C. 40102(4), such as agricultural products and petroleum products. * * *

* * * * *

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

190. 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.

191. Revise section 23.502 to read as follows:

23.502 Authority.

41 U.S.C. chapter 81, Drug Free Workplace.

192. 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

24.202 [Amended]

193. Amend section 24.202 by—

a. Removing from paragraph (a) ''41 U.S.C. 253b'' and adding ''41 U.S.C. 4702'' in its place; and

b. Removing from paragraph (b) ''41 U.S.C. 254b (d)(2)(c)'' and adding ''41 U.S.C. 3505(b)(3)'' in its place.

PART 25—FOREIGN ACQUISITION

194. Amend section 25.000 by revising paragraph (b) to read 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.

195. Amend section 25.001 by revising paragraph (a); and removing from paragraphs (b), (c), and (c)(1) ''Buy American Act'' and adding ''Buy American statute'' in their places. The revised text reads as follows: *25.001 General.*

(a) 41 U.S.C. chapter 83, Buy American—

* * * * *

196. Amend section 25.002 by revising the table to read as follows:

25.002 Applicability of subparts.

* * * * *

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

25.004 [Amended]

197. Amend section 25.004 by removing from paragraph (a) ''41 U.S.C. 10a'' and adding ''41 U.S.C. 8302(b)'' in its place.

198. Amend subpart 25.1 by revising the section heading to read as follows:

Subpart 25.1—Buy American—Supplies

199. 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]

200. Amend section 25.101 by—

a. Removing from paragraph (a) ''Buy American Act'' and adding ''Buy American statute'' in its place (two times);

b. Removing from paragraph (a)(2) ''41 U.S.C. 431'' and ''Buy American Act'' and adding ''41 U.S.C. 1907'' and ''Buy American statute'' in its place, respectively; and

c. Removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.103 [Amended]

201. Amend section 25.103 by removing from the introductory text, paragraphs (a), (b) introductory text, and (b)(1)(iii)(A) ''Buy American Act'' and adding ''Buy American statute'' in their places.

25.105 [Amended]

202. Amend section 25.105 by removing from the introductory text of paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place.

203. Amend Subpart 25.2 by revising the subpart heading to read as follows:

Subpart 25.2—Buy American—Construction Materials

204. 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 if 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]

205. Amend section 25.202 by removing from paragraphs (a) and (a)(1) ''Buy American Act'' and adding ''Buy American statute'' in their places (three times).

25.203 [Amended]

206. Amend section 25.203 by removing from paragraph (a) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.204 [Amended]

207. Amend section 25.204 by removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.205 [Amended]

208. 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]

209. 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]

210. Amend section 25.400 by removing from paragraph (a)(2)(ii) ''(Public Law 108–77)'' and adding ''(Public Law 108–77) (19 U.S.C. 3805 note)'' in its place; and removing from paragraph (a)(6) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.402 [Amended]

211. Amend section 25.402 by removing from the introductory text of paragraph (a)(1) ''Buy American Act'' and adding ''Buy American statute'' in their places (two times).

25.405 [Amended]

212. Amend section 25.405 by removing ''(Pub. L. 109–53)'' and adding ''(Pub. L. 109–53) (19 U.S.C. 4031)'' in its place.

25.406 [Amended]

213. Amend section 25.406 by removing ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.407 [Amended]

214. Amend section 25.407 by removing ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.501 [Amended]

215. Amend section 25.501 by removing from paragraph (d) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.502 [Amended]

216. Amend section 25.502 by removing from paragraphs (c), (c)(3), (d)(2), and (d)(3) ''Buy American Act'' and adding ''Buy American statute'' in their places.

217. Amend section 25.504–1 by revising the section heading; and removing from paragraphs (a)(2) and (b)(2) ''Buy American Act'' and adding ''Buy American statute'' in their places.

The revised text reads as follows:

25.504–1 Buy American statute.

* * * * *

25.504–4 [Amended]

218. 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.

219. Amend Subpart 25.6 by revising the subpart heading to read as follows:

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

25.600 [Amended]

220. 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]

221. 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.

222. 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]

223. Amend section 25.603 by removing from paragraphs (a)(1), (a)(1)(iii), and (a)(2) ''Buy American Act'' and adding ''Buy American statute'' in its place.

224. 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]

225. 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]

226. 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]

227. Amend section 25.700 by removing from paragraph (b) ''110–174)'' and adding ''110–174) (50 U.S.C. 1701 note)'' in its place.

25.1001 [Amended]

228. Amend section 25.1001 by removing from paragraph (a) ''41 U.S.C. 254d'' and adding ''41 U.S.C. 4706'' in its place.

25.1101 [Amended]

229. Amend section 25.1101 by—

a. Removing from the introductory text of paragraph (a)(1) ''Act'';

b. Removing from paragraph (a)(1)(ii) ''Buy American Act'' and adding ''Buy American statute'' in its place;

c. Removing from paragraphs (a)(1), (a)(2), (b)(1)(i), and (b)(2)(i) ''Act''; and

d. Removing from paragraphs (a)(1)(ii), (c)(1), and (d) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.1102 [Amended]

230. Amend section 25.1102 by—

a. Removing from paragraph (a) ''Act'';

b. Removing from paragraph (a)(1) ''Buy American Act'' and adding ''Buy American statute'' in its place;

c. Removing from paragraph (b)(1) ''Act'';

d. Removing from paragraph (b)(2) ''Buy American Act'' and adding ''Buy American statute'' in its place;

e. Removing from paragraph (c) ''Act'';

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) ''Act''; and

h. Removing from paragraphs (d)(2), (e)(3)(i), and (e)(3)(ii) ''Buy American Act'' and adding ''Buy American statute'' in its place.

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.400 [Amended]

231. Amend section 26.400 by removing ''(Pub. L. 110–247)'' and adding ''(42 U.S.C 1792)'' in its place.

232. 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

27.304 [Amended]

233. Amend sections 27.304 by removing from paragraph (c) ''Disputes Act'' and adding ''Disputes statute'' in its place (two times).

PART 28—BONDS AND INSURANCE

234. Amend section 28.102–1 by revising the introductory test of paragraph (a) and paragraph (a)(2) to read as follows.

28.102–1 General.

(a) The 40 U.S.C. chapter 31, subchapter III, Bonds, requires performance and payment bonds for any construction contract exceeding $150,000, except that this requirement may be waived—

* * * * *

(2) As otherwise authorized by the Bonds statute or other law.

* * * * *

28.102–2 [Amended]

235. Amend section 28.102–2 by removing from paragraph (b) ''$150,000 Miller Act'' and adding ''$150,000'' in its place.

28.106–1 [Amended]

236. Amend section 28.106–1 by removing from paragraphs (h) and (i) ''Miller Act''.

28.106–4 [Amended]

237. Amend section 28.106–4 by removing from paragraph (b) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place; and removing the words ''the Miller Act'' and adding ''40 U.S.C. chapter 31, subchapter III, Bonds'' in its place.

28.106–6 [Amended]

238. Amend section 28.106–6 by removing from paragraph (d) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place; and removing ''Miller Act'' and adding ''bonds statute'' in its place.

239. Amend section 28.202 by revising paragraph (a)(4) to read as follows.

28.202 Acceptability of corporate sureties.

(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 Performance Bond, and Standard Form 274, Reinsurance Agreement for a 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.

* * * * *

28.203–5 [Amended]

240. Amend section 28.203–5 by removing from paragraphs (a)(1) and (a)(3) ''Miller Act'' and adding ''Bonds Statute'' in its place.

28.204–3 [Amended]

241. Amend section 28.204–3 by removing from paragraphs (f)(2)(i) and (f)(2)(ii), ''Miller Act'' and adding ''Bonds Statute'' in its place.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

30.101 [Amended]

242. Amend section 30.101 by—

a. Removing from paragraph (a) ''Public Law 100–679 (41 U.S.C. 422)'' and adding ''41 U.S.C. chapter 15, Cost Accounting Standards,'' in its place; and

b. Removing from paragraph (b) ''Public Law 100–679'' and adding ''41 U.S.C. chapter 15'' in its place.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205–1 [Amended]

243. Amend section 31.205–1 by removing from paragraph (f)(8) ''Pub L.

110–247) (see FAR Subpart 26.4)'' and adding ''42 U.S.C. 1792, see subpart 26.4)'' in its place.

244. Amend section 31.205–6 by revising paragraph (g)(6) and (p)(1) to read as follows:

31.205–6 Compensation for personal services.

* * * * *

(g) * * *

(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 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).

* * * * *

(p) * * *

(1) Costs incurred after January 1, 1998, for compensation of a senior executive in excess of the benchmark compensation amount determined applicable for the contractor fiscal year by the Administrator, Office of Federal Procurement Policy (OFPP), under 41 U.S.C. 1127 are unallowable (10 U.S.C. 2324(e)(1)(P) and 41 U.S.C. 4304(a)(16)). * * *

* * * * *

31.205–47 [Amended]

245. Amend section 31.205–47 by removing from paragraph (a)(3) ''the Anti-Kickback Act, 41 U.S.C., sections 51 and 54'' and adding ''41 U.S.C. chapter 87, Kickbacks'' in its place.

31.603 [Amended]

246. Amend section 31.603 by—

a. Removing from the introductory text of paragraph (b) ''41 U.S.C. 256(e)'' and adding ''41 U.S.C. 4304 (a)'' in its place; and

b. Removing from paragraph (b)(15) ''41 U.S.C. 256(k)'' and adding ''41 U.S.C. 4310'' in its place.

31.703 [Amended]

247. Removing from paragraph (b) ''41 U.S.C. 256(e)'' and adding ''41 U.S.C. 4304'' in its place.

PART 32—CONTRACT FINANCING

248. Amend section 32.006–1 by revising paragraph (a) and the first sentence of paragraph (b) to read as follows:

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. Division B of subtitle I (Procurement) and 4506, this statutory authority is available to all agencies subject to that statute.

(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]

249. Amend section 32.006–2 by removing from the definition ''Remedy coordination official'' the word ''41 U.S.C. 255(g)(9)'' and adding ''41 U.S.C. 4506(a)'' in its place.

32.006–5 [Amended]

250. Amend section 32.006–5 by removing from paragraph (a) ''41 U.S.C. 255'' and ''10 U.S.C. 2307'' and adding ''41 U.S.C. 4506(h)'' and ''10 U.S.C. 2307(i)(7)'' in their places; respectively; and removing from paragraph (b) ''41 U.S.C. 255'' and ''10 U.S.C. 2307'' adding ''41 U.S.C. 4506(h)'' and ''10 U.S.C. 2307(i)(7)'' in their places; respectively.

251. Revise section 32.101 read as follows:

32.101 Authority.

The basic authority for the contract financing described in this part is contained in (41 U.S.C. chapter 45, Contracting Financing), 10 U.S.C. 2307, and Title III of the Defense Production Act of l950 (50 U.S.C. App. 2091).

32.102 [Amended]

252. Amend section 32.102 by removing from paragraph (d) ''41 U.S.C. 255'' and adding ''41 U.S.C. chapter 45'' in its place.

32.112–1 [Amended]

253. Amend section 32.112–1 by removing from paragraph (a) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302)'' in its place.

32.112–2 [Amended]

254. Amend section 32.112–2 by removing from the introductory text of paragraph (a) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302)'' in its place.

32.201 [Amended]

255. Amend section 32.201 by removing ''41 U.S.C. 255(f)'' and adding ''41 U.S.C. 4505'' in its place.

32.202–4 [Amended]

256. Amend section 32.202–4 by removing from the introductory text of paragraph (a)(1) ''41 U.S.C. 255(f)'' and adding ''41 U.S.C. 4505'' in its place.

257. Amend section 32.401 by revising paragraphs (a) and (b) to read as follows:

32.401 Statutory Authority.

* * * * *

(a) 41 U.S.C. chapter 45;

(b) 10 U.S.C. 2307; or

* * * * *

258. Amend section 32.410 by revising paragraph (c), under the heading ''Authorization'', to read as follows.

32.410 Findings, determination, and authorization.

* * * * *

(c) The advance payments, of which (the amount at any time outstanding) (the aggregate amount, less the aggregate amounts repaid, or withdrawn by the Government), shall not exceed $_____, are hereby authorized under (41 U.S.C. chapter 45, Contract Financing,) (10 U.S.C. 2307) (the Extraordinary Contracting Authority of Government Agencies in Connection with National Defense Functions (50 U.S.C. 1431–1435) and Executive Order No. 10789 of November 14, 1958 (3 CFR 1958 Supp. pp. 72–74)) or, if other, cite appropriate authority on (terms substantially as contained in the proposed advance payment clause, a copy (an outline) of which is annexed to this authorization) (the following terms:) Insert the appropriate terms. (All prior authorizations for advance payments under Contract No. ____ are superseded.)

* * * * *

32.501–1 [Amended]

259. Amend section 32.501–1 by removing from paragraph (d) ''41 U.S.C. 255'' and adding ''41 U.S.C. 4504(b)'' in its place.

32.604 [Amended]

260. Amend section 32.604 by removing from paragraph (b)(4)(ii) ''Section 611 of the Contract Disputes Act of 1978 (Public Law 95–563)'' and adding ''(41 U.S.C. 7109)'' in its place.

32.606 [Amended]

261. Amend section 32.606, by removing from paragraph (a) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place.

32.703–3 [Amended]

262. Amend section 32.703–3, by removing from paragraph (a), ''41 U.S.C. 11a'' and adding ''41 U.S.C. 6302'' in its place; and removing from paragraph (b) ''41 U.S.C. 2531'' and adding ''41 U.S.C. 3902'' in its place.

32.800 [Amended]

263. Amend section 32.800 by removing ''31 U.S.C. 3727, 41 U.S.C. 15'' and adding ''31 U.S.C. 3727, and 41 U.S.C. 6305'' in its place.

32.805 [Amended]

264. Amend section 32.805, by removing from paragraph (c), under the heading ''Notice of Assignment'' in the second paragraph, ''31 U.S.C. 3727, 41 U.S.C. 15'' and adding ''31 U.S.C. 3727, and 41 U.S.C. 6305'' in its place.

PART 33—PROTESTS, DISPUTES, AND APPEALS

33.102 [Amended]

265. Amend section 33.102 by removing from paragraph (f) ''41 U.S.C. 423(g)'' and adding ''41 U.S.C. 2106'' in its place.

33.201 [Amended]

266. Amend section 33.201 by removing from the definition ''Defective certification'' the words ''a person duly'' and adding ''a person'' in its place.

267. Revise section 33.202 to read as follows.

33.202 Disputes.

41 U.S.C. Chapter 71, Disputes, establishes procedures and requirements for asserting and resolving claims subject to the Disputes statute. In addition, the Disputes statute provides for:

268. Amend section 33.203 by—

a. Revising paragraph (b)(1);

b. Removing from paragraphs (b)(2) ''Act'' and adding ''Disputes statute'' in its place; and

C. Revising paragraph (c).

The revised text read as follows:

33.203 Applicability.

* * * * *

(b) * * *

(1) A foreign government or agency of that government; or

* * * * *

(c) This part applies to all disputes with respect to contracting officer decisions on matters ''arising under'' or ''relating to'' a contract. Agency Boards of Contract Appeals (BCA's) authorized under the Disputes statute continue to have all of the authority they possessed before the Disputes statute with respect to disputes arising under a contract, as well as authority to decide disputes relating to a contract. The clause at 52.233–1, Disputes, recognizes the ''all disputes'' authority established by the Disputes statute and states certain requirements and limitations of the Disputes statute for the guidance of contractors and contracting agencies. The clause is not intended to affect the rights and obligations of the parties as provided by the Disputes statute or to constrain the authority of the statutory agency BCA's in the handling and deciding of contractor appeals under the Disputes statute.

33.205 [Amended]

269. Amend section 33.205 by—

a. Removing from the section heading ''Act'' and adding ''Disputes statute'' in its place;

b. Removing from paragraph (a) ''contract Disputes Act of 1978'' and adding ''Disputes statute'' in its place;

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

d. Removing from paragraph (c) ''Disputes Act of 1978'' and adding ''Disputes statute'' in its place.

33.207 [Amended]

270. Amend section 33.207 by removing from paragraph (e) ''duly''.

33.208 [Amended]

271. Amend section 33.208 by removing from paragraph (b) ''the Act'' and adding ''the Disputes statute'' in its place.

33.211 [Amended]

272. Amend section 33.210 by removing from paragraph (a)(4)(v)(2) ''the Contract Dispute Act of 1978, 41 U.S.C. 603'' and adding ''41 U.S.C. 7102(d),'' in its place.

273. Revise the first and second sentences of paragraph (a) to read as follows:

33.213 Obligation to continue performance.

(a) In general, before passage of the Disputes statute, the obligation to continue performance applied only to claims arising under a contract. However, the Disputes statute at 41 U.S.C. 605(b) 7103(g), authorizes agencies to require a contractor to continue contract performance in accordance with the contracting officer's decision pending a final resolution of any claim arising under, or relating to, the contract. * * *

* * * * *

PART 36—CONSTRUCTION AND ARCHITECT—ENGINEER

36.104 [Amended]

274. Amend section 36.104 by removing from paragraph (a) ''the Brooks Architect-Engineers Act (40 U.S.C. 1101, *et seq.*)'' and ''41 U.S.C. 253m'' and adding ''40 U.S.C. chapter 11, Selection of Architects and Engineers,'' and ''41 U.S.C. 3309'' in their places; respectively.

36.300 [Amended]

275. Amend section 36.300 by removing ''41 U.S.C. 253m'' and adding ''41 U.S.C. 3309'' in its place.

PART 37—SERVICE CONTRACTING

276. Amend section 37.000 by revising the last sentence to read as follows:

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]

277. Amend section 37.106 by removing from paragraph (b) ''41 U.S.C. 2531'' and adding ''41 U.S.C. 3902'' in its place.

278. Revise section 37.107 to read as follows.

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]

279. Amend section 37.202 by removing from paragraph (b) ''the

Brooks Architect-Engineers Act (40 U.S.C. 1102)'' and adding ''40 U.S.C. 1102'' in its place.

280. Amend section 37.203 by revising paragraph (d)(2) to read as follows.

37.203 Policy.

* * * * *

(d) * * *

(2) 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

* * * * *

281. Revise section 37.301 to read as follows:

37.301 Labor standards.

Contracts for dismantling, demolition, or removal of improvements are subject to either 4l U.S.C. chapter 67, Service Contract Labor Standards or 40 U.S.C. chapter 31, subchapter IV, 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]

282. Amend section 37.302 by removing from the introductory text ''the Miller Act (40 U.S.C. 3131 *et seq.*)'' and adding ''41 U.S.C. chapter 31, subchapter III, Bonds,'' in its place.

37.401 [Amended]

283. Amend section 37.401 by removing from the introductory paragraph ''41 U.S.C. 253'' and adding ''41 U.S.C. chapter 33, Planning and Solicitation'' in its place.

PART 38—FEDERAL SUPPLY SCHEDULE CONTRACTING

38.101 [Amended]

284. Amend section 38.101 by removing from paragraph (a) ''41 U.S.C. 259(b)(3)(A)'' and adding ''41 U.S.C. 152(3)'' in its place.

PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

39.103 [Amended]

285. Amend section 39.103 by removing from paragraph (a) ''Section 5202, Incremental Acquisition of Information Technology, of the Clinger-Cohen Act of 1996 (Public Law 104–106)'' and adding ''41 U.S.C. 2308'' in its place.

PART 41—ACQUISITION OF UTILITY SERVICES

41.101 [Amended]

286. Amend section 41.101 by removing from the definition ''Utility service'' the words ''Service Contract Act of 1965'' and adding ''41 U.S.C. chapter 67, Service Contract Labor Standards'' in its place.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.703–1 [Amended]

287. Amend section 42.703–1 by—

a. Removing from paragraph (a) ''41 U.S.C. 254(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]

288. Amend section 42.703–2 by—

a. Removing from paragraph (a) ''41 U.S.C. 256(h)'' 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]

289. Amend section 42.705–1 by removing from paragraph (b)(4) ''41 U.S.C. 256(f)'' and adding ''41 U.S.C. 4305'' in its place.

42.705–3 [Amended]

290. Amend section 42.705–3 by removing from paragraph (b)(1) ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 4708'' in its place.

42.709 [Amended]

291. 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.

292. 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]

293. 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]

294. Amend section 42.1601 by removing ''the Contract Disputes Act of 1978 (41 U.S.C. 601–613)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

PART 43—CONTRACT MODIFICATIONS

43.102 [Amended]

295. Amend section 43.102 by removing paragraph (c).

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

44.201–2 [Amended]

296. 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]

297. Amend section 44.202–2 by removing from paragraph (a)(4)(ii) ''Javits-Wagner-O'Day Act (41 U.S.C. 48)'' and adding ''41 U.S.C. 8504'' in its place.

44.400 [Amended]

298. 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]

299. Amend section 44.402 by removing from paragraph (b) ''and Commercial Components''.

PART 46—QUALITY ASSURANCE

46.102 [Amended]

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

PART 47—TRANSPORTATION

301. 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

48.102 [Amended]

302. 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 50—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

50.101–2 [Amended]

303. Amend section 50.101–2 by removing from paragraph (c) ''the Contract Disputes Act of 1978'' and adding ''with 41 U.S.C. chapter 71, Contract Disputes'' in its place.

50.102–3 [Amended]

304. 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''.

305. 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

306. Amend section 51.101 by—

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

b. Removing from paragraph (a)(3)(i) ''Government,'' and adding ''Government;'' in its place.

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—

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.203–5 [Amended]

307. Amend section 52.203–5 by removing from the clause heading ''(Apr 1984)'' and adding ''(Date)'' in its place; and removing from paragraph (a) '', in its discretion,''.

308. 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 (Date)

* * * * *

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

* * * * *

309. Amend section 52.203–8 by—

a. Revising the date of the clause; and

b. Revising the introductory text of paragraph (a) and paragraphs (a)(2)(i) and (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 (Date)

(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).

* * * * *

310. Amend section 52.203–10 by—

a. Revising the date of the clause;

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 (Date)

(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.

* * * * *

311. Amend section 52.204–8 by—

a. Revising the date of the provision; and

b. Removing from paragraphs (c)(1)(xvi) and (c)(1)(xvii) ''American Act'' and adding ''American''; and

c. Removing from paragraphs (c)(2)(iii) and (c)(2)(iv) ''Act'' and adding ''Labor Standards'' in its place.

The revised text reads as follows:

52.204–8 Annual Representations and Certifications.

* * * * *

Annual Representations And Certifications (Date)

52.208–9 [Amended]

312. Amend section 52.208–9 by removing from the clause heading ''(Oct 2008)'' and adding ''(Date)'' its place; and removing from paragraph (a) ''the Javits-Wagner-O'Day Act (41 U.S.C. 48)'' and adding ''41 U.S.C. 8504'' in its place.

52.209–6 [Amended]

313. Amend section 52.209–6 by removing from the clause heading ''(Dec 2010)'' and adding ''(Date)'' its place; and removing from paragraph (a)(2) ''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.

52.212–3 [Amended]

314. Amend section 52.212–3 by—

a. Removing from the provision heading ''(Apr 2012)'' and adding ''(Date)'' in its place;

b. Removing from paragraph (f) introductory text the word ''Act'' (two times);

c. Removing from paragraph (f)(1) ''Act—'';

d. Removing from paragraph (g)(1) introductory text ''American Act'' and adding ''American'' in its place;

e. Removing from paragraph (g)(1)(i), (g)(1)(ii), (g)(1)(iii), (g)(2) introductory text, (g)(2)(g)(1)(ii), (g)(3) introductory text, and (g)(3)(g)(1)(ii) ''Act—'';

f. Removing from paragraph (g)(4)(iii) ''Act'' and adding ''statute'' in its place;

g. Removing from paragraph (k) introductory text and (k)(3)(i) ''Act'' and adding ''Labor Standards'' in its place; and

h. Removing from the introductory paragraph of Alternate I ''*(Apr 2011)''* and adding ''*(Date)''* in its place; and removing from paragraph (12), fourth subparagraph ''U.S. Trust Territory of the Pacific Islands (Republic of Palau)'' and adding ''Republic of Palau'' in its place.

315. Amend section 52.212–4 by—

a. Removing from the clause heading ''(Feb 2012)'' and adding ''(Date)'' in its place;

b. Removing from paragraph (d) ''the Contract Disputes Act of 1978, as amended (41 U.S.C. 601–613)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place;

c. Removing from paragraph (i)(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—

1. Removing from the introductory paragraph ''*(Oct 2008)''* and adding ''*(Date)''* in its place; and

2. Removing from paragraph (i)(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.

The revised text reads as follows:

52.212–4 Contract Terms and Conditions—Commercial Items

* * * * *

(r) *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. chapter 37, Contract Work Hours and Safety Standards; 41 U.S.C. chapter 87, Kickbacks; 41 U.S.C. 4705 and 10 U.S.C. 2409 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. chapter 21 relating to procurement integrity.

* * * * *

316. Amend section 52.212–5 by—

a. Revising the clause heading;

b. Removing from paragraph (a)(3) ''(Pub. L. 108–77, 108–78).'' and adding ''(Public Laws 108–77 and 108–78 (19 U.S.C. 3805 note)).'' in its place;

c. Removing from paragraph (b)(1) ''(41 U.S.C. 253g'' 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. Removing from paragraph (b)(6) ''(Dec 2010)'' and adding ''(Date)'' in its place;

f. Removing from paragraph (b)(14) ''(Jan 2011)'' and adding ''(Date)'' in its place;

g. Removing from paragraph (b)(34) ''(Jan 2009)'' and adding ''(Date)'' in its place;

h. Removing from paragraph (b)(39) ''(Feb 2009)'' and adding ''(Date)'' in its place; and removing ''(41 U.S.C. 10a-10d'' and adding ''41 U.S.C. chapter 83'' in its place;

i. Revising paragraph (b)(40);

j. Removing from paragraphs (b)(45) and (b)(46) ''(41 U.S.C. 255(f)'' and adding ''(41 U.S.C. 4505'' in their places;

k. Removing from paragraph (b)(49) ''(Feb 2010)'' and adding ''(Date)'' in its place;

l. Revising paragraphs (c)(1) through (c)(7);

m. Removing from paragraph (e)(1)(i) ''(Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C.251 note))'' and adding ''(41 U.S.C. 3509)'' in its place;

n. Removing from paragraph (e)(1)(ii) ''(Dec 2010)'' and adding ''(Date)'' in its place;

o. Removing from paragraph (e)(1)(viii) ''Act of 1965 (Nov 2007) (41 U.S.C. 351, *et seq.*)'' and adding ''Labor Standards (Date) (41 U.S.C. chapter 67)'' in its place;

p. Revising paragraphs (e)(1)(x) and (e)(1)(xi);

q. Removing from paragraph (e)(1)(xii) ''(Jan 2009)'' and adding ''(Date) (Executive Order 12989)'' in its place;

r. Removing from paragraph (e)(1)(xiii) ''(Mar 2009) (Pub. L. 110–247)'' and adding ''(Date) (42 U.S.C. 1792)'' in its place; and

s. Amending Alternate II by—

1. Revising the date;

2. Removing from paragraph (e)(1)(ii)(A) ''(Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C. 251 note)'' and adding ''(41 U.S.C. 3509)'' in its place;

3. Removing from paragraph (e)(1)(ii)(C) ''(Dec 2010)'' and adding ''(Date)'' in its place;

4. Revising paragraph (e)(1)(ii)(H); and

5. Revising paragraphs (e)(1)(ii)(J) through (e)(1)(ii)(M).

The revised text reads as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Date)

* * * * *

(b) * * *

* * * * *

____ (40)(i) 52.225–3, Buy American Free Trade Agreements—Israeli Trade Act (Date) (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108–77, 108–78, 108–286, 108–302, 109–53, 109–169, 109–283, and 110–138.

* * * * *

(c) * * *

__ (1) 52.222–41, Service Contract Labor Standards (Date) (41 U.S.C. chapter 67).

____(2) 52.222–42, Statement of Equivalent Rates for Federal Hires (Date) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

____(3) 52.222–43, Fair labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (Date) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

____(4) 52.222–44, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Date) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

____(5) 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for maintenance, Calibration, or Repair of Certain Equipment—Requirements (Date) (41 U.S.C. chapter 67).

____(6) 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (Date) (41 U.S.C. chapter 67).

____(7) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations (Date) (42 U.S.C. 1792).

* * * * *

(e)(1) * * *

(i) * * *

* * * * *

(x) 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Date) (41 U.S.C. chapter 67).

(xi) 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (Date) (41 U.S.C. chapter 67).

* * * * *

Alternate II (Date) * * *

* * * * *

(e)(1) * * *

(ii) * * *

(H) 52.222–41, Service Contract Labor Standards (Date) (41 U.S.C. chapter 67).

* * * * *

(J) 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Date) (*41 U.S.C.* chapter 67).

(K) 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (Date) (*41 U.S.C.* chapter 67).

(L) 52.222–54, Employment Eligibility Verification (Date) (Executive Order 12989).

(M) *52.226–6,* Promoting Excess Food Donation to Nonprofit Organizations. (Date) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause *52.226–6.*

* * * * *

317. Amend section 52.213–4 by—

a. Removing from the clause heading ''(Mar 2012)'' and adding ''(Date)'' in its place;

b. Removing from paragraph (a)(1)(vii) ''(Pub. L. 108–77, 108–78)'' and adding ''(Public Laws 108–77 and 108–78 (19 U.S.C. 3805 note))'' in its place;

c. Removing from paragraph (a)(2)(vi) ''(Jul 2002)'' and adding ''(Date)'' in its place;

d. Removing from paragraph (a)(2)(vii) ''(Jan 2011)'' and adding ''(Date)'' in its place;

e. Removing from paragraph (b)(1)(ii) ''Walsh-Healey Public Contracts Act (Oct 2010) (41 U.S.C. 35–45)'' and adding ''Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (Date) (41 U.S.C. chapter 65)'' in its place;

f. Revising paragraph (b)(1)(vi);

g. Removing from paragraph (b)(1)(ix) ''Act—Supplies (Feb 2009) (41 U.S.C. 10a-10d)'' and adding ''Supplies (Date) (41 U.S.C. chapter 83)'' in its place;

h. Redesignating paragraphs (b)(1)(x) through (b)(1)(xii) as paragraph (b)(1)(xi) through (b)(1)(xiii) respectively;

i. Adding a new paragraph (b)(1)(x);

j. Removing from paragraph (b)(2)(i) ''(Dec 2010)'' and adding ''(Date)'' in its place;

k. Removing paragraph (b)(2)(iii); and

l. Redesignating paragraphs (b)(2)(iv) and (b)(2)(v) as paragraphs (b)(2)(iii) and (b)(2)(iv), respectively.

The revised text reads as follows:

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

* * * * *

(b) * * *

(1) * * *

(vi) 52.222–41, Service Contract Labor Standards (Date) (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) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations (DATE) (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.)

318. Amend section 52.219–1 by revising the introductory paragraph of Alternate I and paragraph (b)(9) of the checklist ''Asian-Pacific American'' to read as follows:

52.219–1 Small Business Program Representations.

* * * * *

Alternate I (DATE). As prescribed in 19.308(a)(2), add the following paragraph (b)(9) to the basic provision:

(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).

* * * * *

319. Amend section 52.219–8 by revising the date of the clause; and 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 (Date)

* * * * *

320. Amend section 52.222–4 by—

a. Revising the section heading;

b. Revising the clause heading;

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

d. Removing from paragraph (c) ''Act''; and

e. Removing from paragraph (d)(1) ''Davis-Beacon 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 (Date)

* * * * *

321. Amend section 52.222–5 by—

a. Revising the section heading;

b. Revising the provision heading; and

c. Removing from paragraph (a)(1) ''Davis-Beacon 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 Work (Date)

* * * * *

322. Amend section 52.222–6 by—

a. Revising the section heading;

b. Revising the clause heading;

c. Removing from paragraph (b)(2) ''Davis-Beacon Act'' and adding ''Construction Wage Rate Requirements statute'' in its place;

d. Removing from paragraph (b)(4) ''Davis-Beacon'' and adding ''Construction Ware Requirements'' in its place; and

e. Removing from paragraph (e) ''Davis-Beacon 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 (Date)

* * * * *

323. Amend section 52.222–7 by revising the date of the clause; and removing from the clause ''Davis-Beacon''. The revised text reads as follows:

52.222–7 Withholding of Funds.

* * * * *

Withholding of Funds (Date)

* * * * *

324. 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 (Date)

(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.

* * * * *

325. Amend section 52.222–11 by—

a. Revising the date of the clause;

b. Removing from paragraphs (a)(4) and (a)(5) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements'' in its place; and

c. Revising paragraphs (b)(1) and (b)(10) to read as follows:

52.222–11 Subcontracts (Labor Standards).

* * * * *

Subcontracts (Labor Standards) (Date)

* * * * *

(b) * * *

(1) Construction Wage Rate Requirements;

* * * * *

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

* * * * *

326. Amend section 52.222–12 by revising the section and clause headings, and the clause to read as follows:

52.222–12 Contract Termination—Debarment.

* * * * *

Contract Termination—Debarment (Date)

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)

327. Amend section 52.222–13 by—

a. Revising the heading of the clause; and

b. Removing from the introductory paragraph ''Davis Bacon and Related Acts'' and adding ''Construction Wage Rate Requirements and related statues'' in its place.

The revised text reads as follows:

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

* * * * *

Compliance With Construction Wage Rate Requirements and Related Act Regulations (Date)

* * * * *

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

52.222–15 Certification of Eligibility.

* * * * *

Certification of Eligibility (Date)

(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).

* * * * *

52.222–16 [Amended]

329. Amend section 52.222–16 by—

a. Removing from the clause heading ''(Feb 1988)'' and adding ''(Date)'' in its place; and

b. Removing from the introductory paragraph ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements'' in its place.

330. 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 (Date)

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).

331. 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.

* * * * *

Construction Wage Rate Requirements—Price Adjustment (None Or Separately Specified Method) (Date)

* * * * *

332. 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.

* * * * *

Construction Wage Rate Requirements—Price Adjustment (Percentage Method) (Date)

* * * * *

333. Amend section 52.222–32 by—

a. Revising the section and clause headings; and

b. 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) (Date)

* * * * *

334. Amend section 52.222–41 by—

a. Revising the section and clause headings;

b. Removing 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 its place, respectively;

d. Removing from paragraphs (c)(2)(v) and (f) the words ''the Act'' and adding ''the Service Contract Labor Standards statute'' in their places;

e. Removing from paragraph (g) the words ''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 (j) ''the Act'' and ''this Act'' and adding ''Service Contract Labor Standards statute'' and ''this statute'' in its place, respectively;

h. Removing from paragraphs (k), (l), and (o) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in their places;

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 paragraph (q) ''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 (Date)

* * * * *

(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.

* * * * *

(q) * * *

(1) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical or mental deficiency, or injury may be employed at wages lower than the minimum wages otherwise required by 41 U.S.C. 6703(1) without diminishing any fringe benefits or cash payments in lieu thereof required under 41 U.S.C. 6703(2), in accordance with the conditions and procedures prescribed for the employment of apprentices, student-learners, persons with disabilities, and disabled clients of work centers under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator (29 CFR parts 520, 521, 524, and 525).

(2) The Administrator will issue certificates under the statute for the employment of apprentices, student-learners, persons with disabilities, or disabled clients of work centers not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR parts 520, 521, 524, and 525).

* * * * *

335. Amend section 52.222–42 by revising the date of the clause and the introductory paragraph of the clause to read as follows:

52.222–42 Statement of Equivalent Rates for Federal Hires.

* * * * *

Statement of Equivalent Rates for Federal Hires (Date)

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.

* * * * *

336. Amend section 52.222–43 by—

a. Revising the section and clause headings; and

b. Removing from paragraph (c) ''Act of 1965, as amended'' 41 U.S.C. 351, *et seq.*)'' and adding ''Labor Standards statute (41 U.S.C. chapter 67)'' in its place.

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) (Date)

* * * * *

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

52.222–44 Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment.

* * * * *

Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Date)

* * * * *

338. Amend section 52.222–48 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;

c. Removing from paragraph (b)(1) the words ''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:

52.222–48 Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.

* * * * *

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

* * * * *

339. Amend section 52.222–49 by—

a. Revising the section and clause heading; and

b. Removing from paragraph (a) the words ''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 (Date)

* * * * *

340. Amend section 52.222–51 by—

a. Revising the section and clause headings;

b. Removing from paragraph (e) the words ''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 Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Date)

* * * * *

341. Amend section 52.222–52 by—

a. Revising the section and clause headings;

b. Removing from the introductory text of paragraph (b) ''Act'' and adding ''Labor Standards statute'' in its place;

c. Removing from paragraph (b)(1) ''Act of 1965'' and adding ''Labor Standards'' in its place;

d. Removing from paragraph (b)(2) ''Act'' and adding ''Labor Standards'' in its place; and

e. Removing from paragraphs (c)(1) and (c)(2) ''Act'' and adding ''Labor Standards'' in its place.

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

(Date)

* * * * *

342. Amend section 52.222–53 by—

a. Revising the section and clause headings;

b. Removing from paragraphs (f) and (g) ''Act'' and adding ''Labor Standards statute'' in their places.

The revised text reads as follows:

52.222–53 Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements.

* * * * *

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

* * * * *

52.222–54 [Amended]

343. Amend section 52.222–54 by—

a. Removing from the clause heading ''(Jan 2009)'' and adding ''(Date)'' in its place; and

b. Removing from paragraph (a)(2) ''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.

344. Amend section 52.225–1 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) in the definition ''Commercially available of the shelf (COTS) item'', paragraph (2) ''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 read as follows:

52.225–1 Buy American Supplies.

* * * * *

Buy American Supplies (Date)

* * * * *

(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))

* * * * *

345. Amend section 52.225–2 by—

a. Revising the section and clause headings; and

b. Removing from paragraph (a) ''Act''.

The revised text reads as follows:

52.225–2 Buy American Certificate.

* * * * *

Buy American Certificate (Date)

* * * * *

346. Amend section 52.225–3 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) in the definition ''Commercially available off-the-shelf (COTS) item'' the words ''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 (c); and

d. Amend Alternate I by—

1. Removing from the introductory paragraph ''*(Mar 2012)*'' and adding ''*(Date)*'' in its place;

2. Removing from paragraph (c) ''Act—''

e. Amend Alternate II by—

1. Removing from the introductory paragraph ''*(Mar 2012)*'' and adding ''*(Date)*'' in its place; and

2. Removing from paragraph (c) ''Act—''.

The revised text read as follows:

52.225–3 Buy American—Free Trade Agreements—Israeli Trade Act.

* * * * *

Buy American—Free Trade Agreements—Israeli Trade Act (Date)

* * * * *

(c) *Delivery of end products.* 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)). In addition the Contracting Officer has determined that FTAs (except the Bahrain, Morocco, Oman, and Peru FTAs) and the Israeli Trade Act apply to this acquisition. Unless otherwise specified, these trade agreements apply to all items in the Schedule. The Contractor shall deliver under this contract only domestic end products except to the extent that, in its offer, it specified delivery of foreign end products in the provision entitled ''Buy American—Free Trade Agreements—Israeli Trade Act Certificate.'' If the Contractor specified in its offer that the Contractor would supply a Free Trade Agreement country end product (other than a Bahrainian, Moroccan, Omani, or Peruvian end product) or an Israeli end product, then the Contractor shall supply a Free Trade Agreement country end product (other than a Bahrainian, Moroccan, Omani, or Peruvian end product), an Israeli end product or, at the Contractor's option, a domestic end product.

* * * * *

347. 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—

1. Removing from the introductory paragraph ''*(Jan 2004)*'' and adding ''*(Date)*'' in its place;

2. Removing from paragraph (b) ''American Act—'' and adding ''American'' in its place;

d. Amending Alternate II by—

1. Removing from the introductory paragraph ''*(Jan 2004)*'' and adding ''*(Date)*'' in its place; and

2. Removing from paragraph (b) ''American Act—'' and adding ''American'' in its place.

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 (Date)

* * * * *

52.225–6 [Amended]

348. Amend section 52.225–6 by—

a. Removing from the provision heading ''(Jan 2005)'' and adding ''(Date)'' in its place; and

b. Removing from paragraph (c) ''Act'' and adding ''statute'' in its place.

349. Amend section 52.225–7 by—

a. Revising the section and provision headings; and

b. Removing from paragraph (b) ''Act'' and adding ''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 (Date)

* * * * *

350. Amend section 52.225–9 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) in the definition ''Commercially available off-the-shelf (COTS) item'', in paragraph (2) ''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 the introductory text of paragraph (b)(1);

d. Removing from paragraphs (b)(3)(i), (b)(3)(ii), (c), (c)(2), and (c)(3) ''Act'' and adding ''statute'' in their places;

The revised text read as follows:

52.225–9 Buy American—Construction Materials.

* * * * *

Buy American—Construction Materials (Date)

* * * * *

(b) * * *

(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.

* * * * *

351. Amend section 52.225–10 by—

a. Revising the section and provision headings;

b. Removing from paragraph (a) ''Act—'';

c. Removing from paragraph (b) ''Act'' and adding ''statute'' in its place (two times);

d. Removing from the introductory text of paragraph (c) and paragraph (c)(1) ''Act'' and adding ''statute'' in their places;

e. Amend Alternate I by—

1. Removing from the introductory paragraph ''*(May 2002)*'' and adding ''*(Date)*'' in its place; and

2. Removing from paragraph (b) ''Act'' and adding ''statute'' in its place;

The revised text reads as follows:

52.225–10 Notice of Buy American Requirement—Construction Materials.

* * * * *

Notice of Buy American Requirement—Construction Materials (Date)

* * * * *

352. Amend section 52.225–11 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) in the definition ''Commercially available off-the-shelf (COTS) item'', in paragraph (2) ''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) ''Act'' and adding ''statute'' in its place;

e. Removing from paragraph (c) ''Act'' and adding ''statute'' in its place;

f. Removing from paragraph (c)(2) ''Act'' and adding ''statute'' in its place;

g. Removing from paragraph (c)(3) ''Act'' and adding ''statute'' in its place (two times);

h. Amend Alternate I by—

1. Removing from the introductory paragraph ''*(Jun 2009)*'' and adding ''*(Date)*'' in its place; and

2. Revising paragraph (b)(1).

The revised text read as follows:

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

* * * * *

Buy American—Construction Materials Under Trade Agreements (Date)

* * * * *

(b) * * *

(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 * * *

* * * * *

(b) * * *

(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 all the Free Trade Agreements except the Bahrain FTA, NAFTA, and the Oman FTA apply to this acquisition. Therefore, the Buy American restrictions are waived for designated country construction materials other than Bahrainian, Mexican, or Omani construction materials.

* * * * *

353. Amend section 52.225–12 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) ''Act'';

c. Removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place (two times);

d. Removing from paragraphs (c)(1) the words ''Buy American Act'' and adding ''Buy American statute'' in its place; and

e. Amend Alternate I by—

1. Revising the date of Alernate I; and

2. Removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place.

The revised text reads as follows:

52.225–12 Notice of Buy American Requirement—Construction Materials Under Trade Agreements.

* * * * *

Notice of Buy American Requirement—Construction Materials Under Trade Agreements (Date)

* * * * *

Alternate I (*Date*). * * *

* * * * *

354. Amend section 52.225–21 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) in the definition ''Domestic construction material'' in paragraph (a)(1) ''Act'' and adding ''statute'' in its place;

c. Removing from paragraph (b)(1)(ii) ''The Buy American Act (41 U.S.C. 10a–10(d)'' and adding ''41 U.S.C. chapter 83, Buy American,'' in its place;

d. Removing from paragraph (b)(4)(iii) ''Act'' and adding ''statute'' in its place;

e. Removing from paragraphs (c) and (c)(2) ''Act'' and adding ''statute'' in its place; and

f. Removing from paragraph (c)(3) ''Act'' and adding ''statute'' in its place (two times).

The revised text reads as follows:

52.225–21 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.

* * * * *

Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials (Date)

* * * * *

355. Amend section 52.225–22 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) ''Buy American Act'' and adding ''Buy American Statute'' in its place;

c. Removing from paragraph (b) ''American Act'' and adding ''American Statute'' in its place (two times), and removing ''inapplicability of 1605'' and adding inapplicability of section 1605'' in its place;

d. Removing from paragraph (c)(1) ''Buy American Act'' and adding ''Buy American statute'' in its place;

e. Amend Alternate I by—

1. Removing from the introductory text ''*(Mar 2009)*'' and adding ''*(Date)*'' in its place; and

f. Removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place.

The revised text reads as follows:

52.225–22 Notice Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.

* * * * *

Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials (Date)

* * * * *

356. Amend section 52.225–23 by—

a. Revising the section and clause headings;

b. Removing from paragraph (a) in paragraph (1) of the definition ''Domestic construction material'', the words ''Buy American Act'' and adding ''Buy American statute'' in its place;

c. Removing from paragraphs (b)(1), (b)(1)(ii), (b)(4)(iii), (c) introductory text, (c)(2), and (c)(3) ''Buy American Act'' and adding ''Buy American statute'' in their places;

d. Amend Alternate I by—

1. Removing from the introductory text ''*(Oct 2010)*'' and adding ''(*Date*)'' in its place; and

e. Removing from paragraphs (b)(1) and (b)(1)(ii) the words ''Buy American Act'' and adding ''Buy American statute'' in its place.

The revised text reads as follows:

52.225–23 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials under Trade Agreements.

* * * * *

Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements (Date)

* * * * *

357. Amend section 52.225–24 by—

a. Revising the section and provision headings;

b. Removing from paragraphs (a) ''American Act'' and adding ''American statute'' in its place;

c. Removing from paragraphs (b) ''American Act'' and adding ''American statute'' in its place (two times);

d. Removing from paragraphs (c)(1) ''American Act'' and adding ''American statute'' in its place;

e. Amend Alternate I by—

1. Removing from the introductory text ''*(MAR 2009)*'' and adding ''(*DATE*)'' in its place; and

2. Removing from paragraph (b) ''American Act'' and adding ''American statute'' in its place.

The revised text reads as follows:

52.225–24 Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.

* * * * *

Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute Construction Materials Under Trade Agreements (Date)

* * * * *

358. Amend section 52.226–6 by—

a. Revising the date of the clause; and

b. Removing from paragraph (b) ''(Pub. L. 110–247)'' and adding ''(42 U.S.C. 1792)'' in its place.

The revised text reads as follows:

52.226–6 Promoting Excess Food Donation to Nonprofit Organizations.

* * * * *

Promoting Excess Food Donation to Nonprofit Organizations (Date)

* * * * *

359. Amend section 52.227–11 by—

a. Revising the date of the clause; and

b. Removing from paragraph (k)(4) ''Contract Disputes Act'' and adding ''Contract Disputes statute'' in its place.

The revised text reads as follows:

52.227–11 Patent Rights—Ownership by the Contractor.

* * * * *

Patent Rights—Ownership by the Contractor (Date)

* * * * *

360. Amend section 52.227–14 by—

a. Revising the date of the clause;

b. Removing from paragraph (a) in the definition ''Technical data'' the words ''databases (See 41 U.S.C. 403(8))'' and adding ''databases. (See 41 U.S.C. 116)'' in its place; and

c. Removing from the introductory text of paragraph (e)(1) ''41 U.S.C. 253d'' and adding ''41 U.S.C. 4703'' in its place.

The revised text reads as follows:

52.227–14 Rights in Data—General.

* * * * *

Rights in Data—General (Date)

* * * * *

361. Amend section 52.227–20 by revising the date of the clause; and removing from paragraph (a), in the definition ''Technical data'' the words ''41 U.S.C. 403(8)'' and adding ''41 U.S.C. 116'' in its place. The revised text is as follows:

52.227–20 Rights in Data—SBIR Program.

* * * * *

Rights in Data—SBIR Program (Date)

* * * * *

362. Amend section 52.227–21 by revising the date of the clause; and by removing from paragraph (a) ''41 U.S.C. 418a(d)(7)'' and adding ''41 U.S.C. 2302(e)(7)'' in its place. The revised text reads as follows:

52.227–21 Technical Data Declaration, Revision, and Withholding of Payment—Major Systems.

* * * * *

Technical Data Declaration, Revision, and Withholding of Payment—Major System (Date)

* * * * *

363. Amend section 52.228–12 by revising the date of the clause and the clause to read as follows:

52.228–12 Prospective Subcontractor Requests for Bonds.

* * * * *

Prospective Subcontractor Requests for Bonds (Date)

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)

364. Amend section 52.228–14 by revising the date of the clause; and removing from paragraphs (c)(2)(i) and (c)(2)(ii) ''the Miller Act'' and adding ''40 U.S.C. chapter 31, subchapter III, Bonds'' in its place. The revised text reads as follows:

52.228–14 Irrevocable Letter of Credit.

* * * * *

Irrevocable Letter of Credit (Date)

* * * * *

365. Amend section 52.230–2 by revising the date of the clause; and removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place. The revised text reads as follows:

52.230–2 Cost Accounting Practices.

* * * * *

Cost Accounting Practices (Date)

* * * * *

366. Amend section 52.230–3 by revising the date of the clause; and removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place. The revised text reads as follows:

52.230–3 Disclosure and Consistency of Cost Accounting Practices.

* * * * *

Disclosure and Consistency of Cost Accounting Practices (Date)

* * * * *

367. Amend section 52.230–4 by revising the date of the clause; and removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place. The revised text reads as follows:

52.230–4 Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns.

* * * * *

Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns (Date)

* * * * *

368. Amend section 52.230–5 by revising the date of the clause; and removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place. The revised text reads as follows:

52.230–5 Cost Accounting Standards—Educational Institutions.

* * * * *

Cost Accounting Standards—Educational Institutions (Date)

* * * * *

369. Amend section 52.232–5 by revising the date of the clause; and

removing from paragraph (h)(3) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place. The revised text reads as follows:

52.232–5 Payments Under Fixed-Price Construction Contracts.

* * * * *

Payments Under Fixed-Price Construction Contracts (Date)

* * * * *

370. Amend section 52.232–17 by revising the date of the clause; and removing from paragraph (a) ''Section 611 of the Contract Disputes Act of 1978 (Public L. 95–563)'' and adding ''41 U.S.C. 7109'' in its place. The revised text reads as follows: *52.232–17 Interest.*

* * * * *

Interest (Date)

* * * * *

371. Amend section 52.232–23 by revising the date of the clause; and removing from paragraph (a) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place. The revised text reads as follows:

§ 52.232–23 Assignment of Claims.

* * * * *

Assignment of Claims (Date)

* * * * *

372. 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 (Date)

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.

(End of clause)

373. Amend section 52.232–27 by—

a. Revising the date of the clause;

b. Removing from paragraphs (c)(2)(ii) and (e)(4)(ii) ''section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)'' and adding ''41 U.S.C. 7109'' in its place;

c. Removing from paragraph (f)(1) ''the Miller Act (40 U.S.C. 3133)'' and adding ''40 U.S.C. 3133'' in its place; and

d. Removing from paragraph (f)(2)(ii) ''section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)'' and adding ''41 U.S.C. 7109'' in its place.

The revised text reads as follows:

§ 52.232–27 Prompt Payment for Construction Contracts.

* * * * *

Prompt Payment for Construction Contracts (Date)

* * * * *

374. Amend section 52.232–31 by revising the date of the clause; and removing from paragraph (c) ''41 U.S.C. 255(f)'' and adding ''41 U.S.C. 4505'' in its place. The revised text reads as follows:

§ 52.232–31 Invitation to Propose Financing Terms.

* * * * *

Invitation To Propose Financing Terms (Date)

* * * * *

375. Amend section 52.232–36 by revising the date of the clause; and removing from paragraph (e) '', as amended, 31 U.S.C. 3727, 41 U.S.C. 15'' and adding ''(31 U.S.C. 3727, 41 U.S.C. 6305)'' in its place. The revised text reads as follows:

52.232–36 Payment by Third Party.

* * * * *

Payment by Third Party (Date)

* * * * *

376. 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 ''chapter 71'' in its place;

c. Removing from paragraph (c) ''the Act'' and adding ''chapter 71'' in its place (three times);

d. Removing from paragraphs (d)(2)(iii) and (d)(3) ''duly''; and

e. Removing from paragraph (f) ''the Act'' and adding ''chapter 71'' in its place.

The revised text reads as follows:

52.233–1 Disputes.

* * * * *

Disputes (Date)

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

* * * * *

377. Amend section 52.234–4 by revising the date of the clause; and 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 (Date)

* * * * *

378. Amend section 52.237–9 by revising the date of the clause; and removing from paragraph (a) ''41 U.S.C. 256(c)(2)(A)'' and adding ''41 U.S.C. 4304(b)(1)'' in its place. The revised text reads as follows:

52.247–9 Waiver of Limitation on Severance Payment to Foreign Nationals.

* * * * *

Waiver of Limitation on Severance Payments to Foreign Nationals (Date)

* * * * *

379. Amend section 52.242–3 by—

a. Revising the date of the clause;

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

c. Removing from paragraph (f) ''the Contract Disputes Act of 1978 (41 U.S.C. 601, *et seq.*)'' and adding ''chapter 71, Contract Disputes'' in its place.

The revised text reads as follows:

52.242–3 Penalties for Unallowable Costs.

* * * * *

Penalties for Unallowable Costs (Date)

* * * * *

380. 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 (41 U.S.C. 251 note))'' and adding ''(41 U.S.C. 3509)'' in its place; and

c. Removing from paragraph (c)(1)(iii) ''(DEC 2010)'' and adding ''(DATE)'' in its place.

The revised text reads as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (Date)

* * * * *

PART 53—FORMS

53.214 [Amended]

375. Amend section 53.214 by removing from paragraph (a) ''*(Rev. 5/2011)*'' and adding ''*(Rev. 3/2012)*'' in its place.

376. Amend section 53.222 by—

a. Revising paragraph (c);

b. Removing from paragraph (d) ''Act'' and adding ''Statute'' in its place; and revising paragraphs (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. 1/2012), Request for Wage Determination and Response to Request.* (See 22.404–3(a) and (b).)

(d) *SF 1093 (Rev. 5/2012), Schedule of Withholdings Under the Construction Wage Rate Requirements Statute (40 U.S.C. Chapter 31, Subchapter IV, § 3144) and/or the Contract Work Hours and Safety Standards Statute (40 U.S.C. Chapter 37, § 3703*).

(e) *SF 1413* (*Rev. 2/2012*), *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. 2/2012*), *Request for Authorization of Additional Classification and Rate.* (See 22.406–3(a) and 22.1019.)

* * * * *

(h) *SF 1446* (*Rev. 4/2012*), *Labor Standards Investigation Summary Sheet.* (See 22.406–8(d).)

* * * * *

53.228 [Amended]

377. Amend section 53.228 by—

a. Removing from paragraph (b) ''(Rev. 5/96)'' and adding ''(Rev. 2/2012)'' in its place;

b. Removing from paragraph (c) ''(Rev. 10/98)'' and adding ''(Rev. 2/2012)'' in its place; and

c. Removing from paragraphs (h) and (i) ''(Rev. 10/98)'' and ''Miller Act'' and adding ''Bond Statute'' and ''(Rev. 2/2012)'' in its place, respectively.

53.236–2 [Amended]

378. Amend section 53.236–2 by removing from paragraph (b) ''(6/04)'' and adding ''(Rev. 2/2012)'' in its place.

378. Revise section 53.301–25 to read as follows:

53.301–25 Performance Bond.

[Insert SF 25 here.]

379. Revise section 53.301–25A to read as follows:

53.301–25A Payment Bond.

[Insert SF 25A here.]

380. Revise section 53.301–26 to read as follows:

53.301–26 Award/Contract.

[Insert SF 26 here.]

381. Revise section 53.301–273 to read as follows:

53.301–273 Reinsurance Agreement for a Bonds Statute Peformance Bond.

[Insert SF 273 here.]

382. Revise section 53.301–274 to read as follows:

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

[Insert SF 274 here.]

383. Revise section 53.301–308 to read as follows:

53.301–308 Request for Wage Determination and Response To Request.

[Insert SF 308 here.]

384. Revise section 53.301–330 to read as follows:

53.301–330 Architect-Engineer Qualifications.

[Insert SF 330 here.]

385. 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, § 3144) and/or the Contract Work Hours and Safety Standards Statute (40 U.S.C. Chapter 37, § 3703).

[Insert SF 1093 here.]

386. Revise section 53.301–1413 to read as follows:

53.301–1413 Statement and Acknowledgement.

[Insert SF 1413 here.]

387. Revise section 53.301–1444 to read as follows:

53.301–1444 Request for Authorization of Additional Classification and Rate.

[Insert SF 1444 here.]

388. Revise section 53.301–1446 to read as follows:

53.301–1446 Labor Standards Investigation Summary Sheet.

[Insert SF 1446 here.]

[FR Doc. 2012–21874 Filed 9–17–12; 8:45 am]

BILLING CODE 6820–14–P

currently required in the rule for smaller CI engines include changing the oil and filter, inspecting the air cleaner or spark plugs and inspecting all hoses and belts within specified intervals. Facilities have the option of using an oil analysis program to extend the oil change requirement. The EPA requests comment on the information provided in the public comments regarding compliance by existing stationary CI RICE on vessels operating on the OCS with the current RICE NESHAP emission limits, in particular, the comments related to technological feasibility.

How can I get copies of this document and other related information?

The EPA has established a docket for the proposed rule, ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines'' under Docket ID No. EPA–HQ–OAR–2008–0708, available at *www.regulations.gov.*

List of Subjects in 40 CFR Part 63

Environmental Protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 25, 2012.

Gina McCarthy,

Assistant Administrator.

[FR Doc. 2012–24379 Filed 10–2–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; Report No. 2962]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: In this document, Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by Kourtney Keough, President/CEO of Marketlink, Inc., on behalf of Marketlink, Inc., Michele A. Shuster, Esq. and Nicholas Whisler, Esq. for Mac Murray, Petersen & Shuster LLP, on behalf of Professional Association for Customer Engagement, and Anthony S. Mendoza, Esq. on behalf of SatCom Marketing, LLC.

DATES: Oppositions to the Petitions must be filed on or before October 18, 2012. Replies to an opposition must be filed on or before October 29, 2012.

DATES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Karen F. Johnson, Consumer and Governmental Affairs Bureau, Consumer Policy Division, at (202) 418–7706 (voice), or email *Karen.Johnson@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 2962, released September 24, 2012. The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

Subject: Marketlink, Inc.'s Petition for Reconsideration and Amendment; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Professional Association for Customer Engagement's Petition for Reconsideration; and Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Petition for Reconsideration of SatCom Marketing LLC, Report and Order, published at 77 FR 34233, June 11, 2012, in CG Docket No. 02–278 and published pursuant to 47 CFR 1.429(e) of the Commission's rules. *See also* 47 CFR 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 3.

Federal Communications Commission.

Bulah P. Wheeler,

Associate Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–24406 Filed 10–2–12; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 53

[FAR Case 2011–018; Docket 2011–0018; Sequence 1]

RIN 9000–AM30

Federal Acquisition Regulation; Positive Law Codification of Title 41

Correction

In proposed rule document 2012–21874, appearing on pages 57950–57979 in the issue of Monday, September 18, 2012, make the following correction:

1. PART 53–FORMS will be printed in its entirety, beginning at § ''53.301.25 Performance Board'', on page 57979.

PART 53—FORMS [CORRECTED]

53.301–25 Performance Bond.

BILLING CODE 6820–14–P

PERFORMANCE BOND *(See instructions on reverse)*	DATE BOND EXECUTED *(Must be same or later than date of contract)*	OMB Number: 9000-0045 Expiration Date: 11/30/2012

Public reporting burden for this collection of information is estimated to average 25 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

PRINCIPAL *(Legal name and business address)*	TYPE OF ORGANIZATION ("X" one) ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ JOINT VENTURE ☐ CORPORATION STATE OF INCORPORATION
SURETY(IES) *(Name(s) and business address(es)*	PENAL SUM OF BOND MILLION(S) / THOUSANDS / HUNDRED(S) / CENTS 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, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action 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 of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS

The Principal has entered into the contract identified above.

THEREFORE

The above obligation is void if the Principal-

(a)(1) Performs and fulfills all the undertaking, covenants, terms, conditions, and agreements of the contract during the original term of the contract and any extensions thereof that are granted by the Government, with or without notice of the Surety(ies) and during the life of any guaranty required under the contract, and (2) performs and fulfills all the undertakings, covenants, terms conditions, and agreements of any and all duly authorized modifications of the contract that hereafter are made. Notice of those modifications to the Surety(ies) are waived.

(b) Pays to the Government the full amount of the taxes imposed by the Government, if the said contract is subject to 40 U.S.C. chapter 31, subchapter III, Bonds, which are collected, deducted, or withheld from wages paid by the Principal in carrying out the construction contract with respect to which this bond is furnished.

WITNESS

The Principal and Surety(ies) executed this performance bond and affixed their seals on the above date.

PRINCIPAL

SIGNATURE(S)	1. (Seal)	2. (Seal)	3. (Seal)	Corporate Seal
NAME(S) & TITLE(S) *(Typed)*	1.	2.	3.	

INDIVIDUAL SURETY(IES)

SIGNATURE(S)	1. (Seal)	2. (Seal)
NAME(S) *(Typed)*	1.	2.

CORPORATE SURETY(IES)

SURETY A	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S *(Typed)*	1.	2.		

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STANDARD FORM 25 (REV. 2/2012)
Prescribed by GSA-FAR (48 CFR) 53.228 (b)

CORPORATE SURETY(IES) *(Continued)*

SURETY B	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY C	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY D	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY E	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY F	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY G	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		

BOND PREMIUM ▶	RATE PER THOUSAND ($)	TOTAL ($)

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., and 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 listen 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. Corporation executing the bond shall affix their corporate seals. Individual shall execute the bond opposite the word " 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.

379. Revise section 53.301–25A to read as follows:

53.301–25A Payment Bond.

PAYMENT BOND *(See instructions on reverse)*	DATE BOND EXECUTED *(Must be same or later than date of contract)*	**OMB Number: 9000-0045** **Expiration Date: 11/30/2012**

Public reporting burden for this collection of information is estimate to average 25 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

PRINCIPAL *(Legal name and business address)*	TYPE OF ORGANIZATION *("X" one)* ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ JOINT VENTURE ☐ CORPORATION			
	STATE OF INCORPORATION			
SURETY(IES) *(Name(s) and business address(es)*	PENAL SUM OF BOND			
	MILLION(S)	THOUSAND(S)	HUNDRED(S)	CENTS
	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				
SIGNATURE(S)	1. (Seal)	2. (Seal)	3. (Seal)	Corporate Seal
NAME(S) & TITLE(S) *(Typed)*	1.	2.	3.	

INDIVIDUAL SURETY(IES)		
SIGNATURE(S)	1. (Seal)	2. (Seal)
NAME(S) *(Typed)*	1.	2.

CORPORATE SURETY(IES)					
SURETY A	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		

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STANDARD FORM 25A (REV. 2/2012)
Prescribed by GSA-FAR (48 CFR) 53.2228(c)

CORPORATE SURETY(IES) ***(Continued)***

SURETY B	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY C	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY D	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY E	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY F	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY G	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		

INSTRUCTIONS

1. This form, for the protection of persons supplying labor and material, is used when a payment bond is required under 40 U.S.C. chapter 31, subchapter III, Bonds. 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 word "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.

380. Revise section 53.301–26 to read as follows:

53.301–26 Award/Contract.

AWARD/CONTRACT

1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) ▶ RATING | PAGE OF PAGES

2. CONTRACT *(Proc. Inst. Indent.)* NO. | 3. EFFECTIVE DATE | 4. REQUISITION/PURCHASE REQUEST/PROJECT NO.

5. ISSUED BY CODE | 6. ADMINISTERED BY *(If other than Item 5)* CODE

7. NAME AND ADDRESS OF CONTRACTOR *(No., street, county, State and ZIP Code)*

CODE | FACILITY CODE

8. DELIVERY ☐ FOB ORIGIN ☐ OTHER *(See below)*

9. DISCOUNT FOR PROMPT PAYMENT

10. SUBMIT INVOICES *(4 copies unless otherwise specified)* TO THE ADDRESS SHOWN IN ▶ ITEM

11. SHIP TO/MARK FOR CODE | 12. PAYMENT WILL BE MADE BY CODE

13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION:

☐ 10 U.S.C. 2304(c)( ) ☐ 41 U.S.C. 3304 (a) ( )

14. ACCOUNTING AND APPROPRIATION DATA

15A. ITEM NO.	15B. SUPPLIES/SERVICES	15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT

15G. TOTAL AMOUNT OF CONTRACT ▶ $

16. TABLE OF CONTENTS

(X)	SEC.	DESCRIPTION	PAGE(S)	(X)	SEC.	DESCRIPTION	PAGE(S)
		PART I - THE SCHEDULE				PART II - CONTRACT CLAUSES	
	A	SOLICITATION/CONTRACT FORM			I	CONTRACT CLAUSES	
	B	SUPPLIES OR SERVICES AND PRICES/COSTS				PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH.	
	C	DESCRIPTION/SPECS./WORK STATEMENT			J	LIST OF ATTACHMENTS	
	D	PACKAGING AND MARKING				PART IV - REPRESENTATIONS AND INSTRUCTIONS	
	E	INSPECTION AND ACCEPTANCE			K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
	F	DELIVERIES OR PERFORMANCE					
	G	CONTRACT ADMINISTRATION DATA			L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
	H	SPECIAL CONTRACT REQUIREMENTS			M	EVALUATION FACTORS FOR AWARD	

CONTRACTING OFFICER WILL COMPLETE ITEM 17 (SEALED-BID OR NEGOTIATED PROCUREMENT) OR 18 (SEALED-BID PROCUREMENT) AS APPLICABLE

17. ☐ CONTRACTOR'S NEGOTIATED AGREEMENT *(Contractor is required to sign this document and return _____ copies to issuing office.)* Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. *(Attachments are listed herein.)*

18. ☐ SEALED-BID AWARD *(Contractor is not required to sign this document.)* Your bid on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the terms listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your bid, and (b) this award/contract. No further contractual document is necessary. (Block 18 should be checked only when awarding a sealed-bid contract.)

19A. NAME AND TITLE OF SIGNER *(Type or Print)*

20A. NAME OF CONTRACTING OFFICER

19B. NAME OF CONTRACTOR | 19C. DATE SIGNED

BY _____ *(Signature of person authorized to sign)*

20B. UNITED STATES OF AMERICA | 20C. DATE SIGNED

BY _____ *(Signature of Contracting Officer)*

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STANDARD FORM 26 (REV. 3/2012)
Prescribed by GSA - FAR (48 CFR) 53.214(a)

381. Revise section 53.301–273 to read as follows:

53.301–273 Reinsurance Agreement For A Bonds Statute Peformance Bond.

REINSURANCE AGREEMENT FOR A BONDS STATUTE PERFORMANCE BOND
(See instructions on reverse)

OMB Number: 9000-0045
Expiration Date: 11/30/2012

Public reporting burden for this collection of information is estimated to average 25 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

1. DIRECT WRITING COMPANY*	1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE ($)
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF CONTRACT		4. DESCRIPTION OF BOND	
3A. AMOUNT OF CONTRACT		4A. PENAL SUM OF BOND	
3B. CONTRACT DATE	3C. CONTRACT NUMBER	4B. DATE OF BOND	4C. BOND NUMBER
3D. DESCRIPTION OF CONTRACT		4D. PRINCIPAL*	
3E. CONTRACTING AGENCY		4E. STATE OF INCORPORATION *(If Corporate Principal)*	

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 the Act of August 24, 1935, as amended (40 U.S.C. chapter 31, subchapter III), known as the Bonds Statute. The Direct Writing Company has applied to the Reinsuring Company named above to be reinsured and counter secured in the amount shown opposite the name of the Reinsuring Company (referred to as the "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 performance bond.

(b) For a 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 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 offices 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.

**Items 1, 2, 4D - Furnish legal name, business address and ZIP Code.* *(Over)*

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STANDARD FORM 273 (REV. 2/2012)
Prescribed by GSA - FAR (48 CFR) 53.228(h)

5. DIRECT WRITING COMPANY		
5A(1) SIGNATURE	(2) ATTEST: SIGNATURE	Corporate Seal
5B(1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	
6. REINSURING COMPANY		
6A (1) SIGNATURE	(2) ATTEST: SIGNATURE	Corporate Seal
6B(1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	

INSTRUCTIONS

This form is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of co-insurance on Bonds Statute performance bonds running to the United States. See FAR (48 CFR) 28.202-1 and 53.228(h).

Execute and file this form as follows:

Original and copies (as specified by the bond-approving officer), signed and sealed, shall accompany the bond or be filed within the time period shown in the bid or proposal.

One carbon copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filed with the Department of the Treasury.

Other copies may be prepared for the use of the Direct Writing Company and Reinsuring Company. Each Reinsuring Company should use a separate form.

382. 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

(See instruction on reverse)

OMB Number: 9000-0045
Expiration Date: 11/30/2012

Public reporting burden for this collection of information is estimated to average 25 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

1. DIRECT WRITING COMPANY*	1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE $
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF CONTRACT		4. DESCRIPTION OF BOND	
3A. AMOUNT OF CONTRACT		4A. PENAL SUM OF BOND	
3B. CONTRACT DATE	3C. CONTRACT NO.	4B. DATE OF BOND	4C. BOND NO.
3D. DESCRIPTION OF CONTRACT		4D. PRINCIPAL*	
3E. CONTRACTING AGENCY		4E. STATE OF INCORPORATION *(If Corporate Principal)*	

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 the Act of August 24, 1935, as amended (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 counter-secured 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 a 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 to 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 relation 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 the "laborers and materialmen" any default under the payment bond less than the "Amount of this Reinsurance.

*Items 1, 2 ,4D - furnished legal name, business address and ZIP Code. *(Over)*

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STANDARD FORM 274 (REV. 2/2012)
Prescribed by GSA - FAR (48 CFR) 53.228(i)

2. The Reinsuring Company and the Direct Writing Company covenant and agree that, in the case of default on the payment bond for the "Amount of this Reinsurance," or more, the persons given a "right of action" or a "right to sue" on the payment bond by section 2(a) of the Miller Act (40 U.S.C. 270b(a)) may bring suit against the Reinsuring Company in the United States District Court for the district in which the contract described above is to be performed and executed for the "Amount of this Reinsurance" or, if the amount of the default is for less than the "Amount of this Reinsurance," for whatever the full amount of the default may be. The Reinsuring Company further covenants and agrees to comply with all requirements necessary to give such court jurisdiction, and to consent to determination of matters arising under this Reinsurance Agreement in accordance with the law and practice of the court. It is expressly understood by the parties that the rights, powers, and privileges which they might have under the statutes of the United States, any States, or the other laws of ether, and should not be construed as limitations.

3. The Reinsuring Company and the Direct Writing Company further covenant and agree that the Reinsuring Company designates the process agent, appointed by the Direct Writing Company in the district in which the contract is to be performed and executed, as an agent to accept service of process in any suit instituted on this Reinsurance Agreement, and that the process agent shall send, by registered mail, to the Reinsuring Company at its principal place of business shown above, a copy of the process.

4. The Reinsuring Company and the Direct Writing Company further covenant and agree that this Reinsurance Agreement is an integral part of the payment bond.

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 the power to sign this instrument, and to be duly attested to by officers empowered thereto, on the day and date in Item 1A written opposite their respective names.

5. DIRECT WRITING COMPANY		
5A. (1) SIGNATURE	(2) ATTEST SIGNATURE	*Corporate Seal*
5B. (1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	

6. REINSURING COMPANY		
6A. (1) SIGNATURE	(2) ATTEST SIGNATURE	*Corporate Seal*
6B. (1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	

INSTRUCTIONS

This form is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of co-insurance on Bonds Statute payment bonds running to the United States. See FAR (48 CFR) 28.202-1 and 53.228(i).

Execute and file this form as follows:

Original and copies (as specified by the bond-approving officer), signed and sealed, shall accompany the bond or be filed within the time period shown in bid or proposal.

One carbon copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filled with the Department of Treasury.

Other copies may be prepared for the use of the Direct Writing Company and Reinsuring Company. Each Reinsuring Company should use a separate form.

STANDARD FORM 274 (REV. 2/2012) **BACK**

383. Revise section 53.301–308 to read as follows:

53.301–308 Request For Wage Determination And Response To Request.

Request For Wage Determination And Response To Request
(Construction Wage Rate Requirements Statute and Related Statutes)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

FOR DEPARTMENT OF LABOR USE

Response To Request

☐ Use area determination issued for this area

_____

_____

☐ The attached decision noted below is applicable to this project

Decision Number

Date of Decision

Expires

Supersedes Decision Number

Approved

Mail Your Request To:
U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Branch of Construction Contract Wage Determinations
Washington, D.C. 20210

Requesting Officer (Typed name *and signature*)

Department, Agency, or Bureau		Phone Number
Date of Request	Estimated Advertising Date	Estimated Bid Opening Date
Prior Decision Number (if any)	Estimated $ Value of Contract ☐ Under 1/2 Mil ☐ 1 to 5 Mil ☐ 1/2 to 1 Mil ☐ Over 5 Mil	Type of Work ☐ Bldg. ☐ Highway ☐ Resid. ☐ Heavy

Address to which wage determination should be mailed. (Print or type)

Location of Project *(City, County, State, Zip Code)*

Description of Work *(Be specific) (Print of type)*

CHECK OR LIST CRAFTS NEEDED
(Attach continuation sheet if needed)

_____ Asbestos workers
_____ Boilermakers
_____ Bricklayers
_____ Carpenters
_____ Cement masons
_____ Electricians
_____ Glaziers
_____ Ironworkers
_____ Laborers (Specify classes)
_____ _____
_____ _____
_____ _____
_____ Lathers
_____ Marble & tile setters, terrazzo workers
_____ Painters
_____ Piledrivermen
_____ Plasterers
_____ Plumbers
_____ Roofers
_____ Sheet metal workers
_____ Soft floor layers
_____ Steamfitters
_____ Welders-rate for craft
_____ Truck drivers
_____ Power equipment operators *(Specify types)*
_____ _____
_____ _____
_____ _____
_____ _____
_____ _____
_____ _____

Other Crafts
_____ _____
_____ _____
_____ _____
_____ _____

Standard Form 308 (Rev. 1/2012)
U.S. Department of Labor -29 CFR Part 1

384. Revise section 53.301–330 to read as follows:

53.301–330 Architect-Engineer Qualifications.

ARCHITECT-ENGINEER QUALIFICATIONS

OMB Number.: 9000-0157
Expiration Date: 11/30/2012

Public reporting burden for this collection of information is estimated to average a total of 29 hours per response (25 hours for Part 1 and 4 hours for Part 2), 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

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 and 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 statute 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.

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:

12. Name. Self-explanatory.

13. Role in This Contract. Self-explanatory.

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. For an indefinite delivery contract, the location is 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 29) and for each key person, place an "X" under the project key number for participation in the same or similar role.

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. Signing 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.

SAMPLE ENTRIES FOR SECTION G (MATRIX)

26. NAMES OF KEY PERSONNEL (From Section E, Block 12)	27. ROLE IN THIS CONTRACT (From Section E, Block 13)	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.)									
		1	2	3	4	5	6	7	8	9	10
Jane A. Smith	Chief Architect	X		X							
Joseph B. Williams	Chief Mech. Engineer	X	X	X	X						
Tara C. Donovan	Chief Elec. Engineer	X	X		X						

29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1	Federal Courthouse, Denver, CO	6	XYZ Corporation Headquarters, Boston, MA
2	Justin J. Wilson Federal Building, Baton Rouge, LA	7	Founder's Museum, Newport RI

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.

List of Disciplines (Function Codes)

Code	Description	Code	Description
01	Acoustical Engineer	32	Hydraulic Engineer
02	Administrative	33	Hydrographic Surveyor
03	Aerial Photographer	34	Hydrologist
04	Aeronautical Engineer	35	Industrial Engineer
05	Archeologist	36	Industrial Hygienist
06	Architect	37	Interior Designer
07	Biologist	38	Land Surveyor
08	CADD Technician	39	Landscape Architect
09	Cartographer	40	Materials Engineer
10	Chemical Engineer	41	Materials Handling Engineer
11	Chemist	42	Mechanical Engineer
12	Civil Engineer	43	Mining Engineer
13	Communications Engineer	44	Oceanographer
14	Computer Programmer	45	Photo Interpreter
15	Construction Inspector	46	Photogrammetrist
16	Construction Manager	47	Planner: Urban/Regional
17	Corrosion Engineer	48	Project Manager
18	Cost Engineer/Estimator	49	Remote Sensing Specialist
19	Ecologist	50	Risk Assessor
20	Economist	51	Safety/Occupational Health Engineer
21	Electrical Engineer	52	Sanitary Engineer
22	Electronics Engineer	53	Scheduler
23	Environmental Engineer	54	Security Specialist
24	Environmental Scientist	55	Soils Engineer
25	Fire Protection Engineer	56	Specifications Writer
26	Forensic Engineer	57	Structural Engineer
27	Foundation/Geotechnical Engineer	58	Technician/Analyst
28	Geodetic Surveyor	59	Toxicologist
29	Geographic Information System Specialist	60	Transportation Engineer
30	Geologist	61	Value Engineer
31	Health Facility Planner	62	Water Resources Engineer

List of Experience Categories (Profile Codes)

Code	Description
A01	Acoustics, Noise Abatement
A02	Aerial Photography; Airborne Data and Imagery Collection and Analysis
A03	Agricultural Development; Grain Storage; Farm Mechanization
A04	Air Pollution Control
A05	Airports; Navaids; Airport Lighting; Aircraft Fueling
A06	Airports; Terminals and Hangars; Freight Handling
A07	Arctic Facilities
A08	Animal Facilities
A09	Anti-Terrorism/Force Protection
A10	Asbestos Abatement
A11	Auditoriums & Theaters
A12	Automation; Controls; Instrumentation
B01	Barracks; Dormitories
B02	Bridges
C01	Cartography
C02	Cemeteries *(Planning & Relocation)*
C03	Charting: Nautical and Aeronautical
C04	Chemical Processing & Storage
C05	Child Care/Development Facilities
C06	Churches; Chapels
C07	Coastal Engineering
C08	Codes; Standards; Ordinances
C09	Cold Storage; Refrigeration and Fast Freeze
C10	Commercial Building *(low rise)* ; Shopping Centers
C11	Community Facilities
C12	Communications Systems; TV; Microwave
C13	Computer Facilities; Computer Service
C14	Conservation and Resource Management
C15	Construction Management
C16	Construction Surveying
C17	Corrosion Control; Cathodic Protection; Electrolysis
C18	Cost Estimating; Cost Engineering and Analysis; Parametric Costing; Forecasting
C19	Cryogenic Facilities
D01	Dams *(Concrete; Arch)*
D02	Dams *(Earth; Rock)*; Dikes; Levees
D03	Desalinization *(Process & Facilities)*
D04	Design-Build - Preparation of Requests for Proposals
D05	Digital Elevation and Terrain Model Development
D06	Digital Orthophotography
D07	Dining Halls; Clubs; Restaurants
D08	Dredging Studies and Design
E01	Ecological & Archeological Investigations
E02	Educational Facilities; Classrooms
E03	Electrical Studies and Design
E04	Electronics
E05	Elevators; Escalators; People-Movers
E06	Embassies and Chanceries
E07	Energy Conservation; New Energy Sources
E08	Engineering Economics
E09	Environmental Impact Studies, Assessments or Statements
E10	Environmental and Natural Resource Mapping
E11	Environmental Planning
E12	Environmental Remediation
E13	Environmental Testing and Analysis
F01	Fallout Shelters; Blast-Resistant Design
F02	Field Houses; Gyms; Stadiums
F03	Fire Protection
F04	Fisheries; Fish ladders
F05	Forensic Engineering
F06	Forestry & Forest products
G01	Garages; Vehicle Maintenance Facilities; Parking Decks
G02	Gas Systems (Propane; Natural, Etc.)
G03	Geodetic Surveying: Ground and Air-borne
G04	Geographic Information System Services: Development, Analysis, and Data Collection
G05	Geospatial Data Conversion: Scanning, Digitizing, Compilation, Attributing, Scribing, Drafting
G06	Graphic Design
H01	Harbors; Jetties; Piers, Ship Terminal Facilities
H02	Hazardous Materials Handling and Storage
H03	Hazardous, Toxic, Radioactive Waste Remediation
H04	Heating; Ventilating; Air Conditioning
H05	Health Systems Planning
H06	Highrise; Air-Rights-Type Buildings
H07	Highways; Streets; Airfield Paving; Parking Lots
H08	Historical Preservation
H09	Hospital & Medical Facilities
H10	Hotels; Motels
H11	Housing *(Residential, Multi-Family; Apartments; Condominiums)*
H12	Hydraulics & Pneumatics
H13	Hydrographic Surveying

List of Experience Categories (Profile Codes)

Code	Description
I01	Industrial Buildings; Manufacturing Plants
I02	Industrial Processes; Quality Control
I03	Industrial Waste Treatment
I04	Intelligent Transportation Systems
I05	Interior Design; Space Planning
I06	Irrigation; Drainage
J01	Judicial and Courtroom Facilities
L01	Laboratories; Medical Research Facilities
L02	Land Surveying
L03	Landscape Architecture
L04	Libraries; Museums; Galleries
L05	Lighting (Interior; Display; Theater, Etc.)
L06	Lighting (Exteriors; Streets; Memorials; Athletic Fields, Etc.)
M01	Mapping Location/Addressing Systems
M02	Materials Handling Systems; Conveyors; Sorters
M03	Metallurgy
M04	Microclimatology; Tropical Engineering
M05	Military Design Standards
M06	Mining & Mineralogy
M07	Missile Facilities (Silos; Fuels; Transport)
M08	Modular Systems Design; Pre-Fabricated Structures or Components
N01	Naval Architecture; Off-Shore Platforms
N02	Navigation Structures; Locks
N03	Nuclear Facilities; Nuclear Shielding
O01	Office Buildings; Industrial Parks
O02	Oceanographic Engineering
O03	Ordnance; Munitions; Special Weapons
P01	Petroleum Exploration; Refining
P02	Petroleum and Fuel (Storage and Distribution)
P03	Photogrammetry
P04	Pipelines (Cross-Country - Liquid & Gas)
P05	Planning (Community, Regional, Areawide and State)
P06	Planning (Site, Installation, and Project)
P07	Plumbing & Piping Design
P08	Prisons & Correctional Facilities
P09	Product, Machine Equipment Design
P10	Pneumatic Structures, Air-Support Buildings
P11	Postal Facilities
P12	Power Generation, Transmission, Distribution
P13	Public Safety Facilities
R01	Radar; Sonar; Radio & Radar Telescopes
R02	Radio Frequency Systems & Shieldings
R03	Railroad; Rapid Transit
R04	Recreation Facilities (Parks, Marinas, Etc.)
R05	Refrigeration Plants/Systems
R06	Rehabilitation (Buildings; Structures; Facilities)
R07	Remote Sensing
R08	Research Facilities
R09	Resources Recovery; Recycling
R10	Risk Analysis
R11	Rivers; Canals; Waterways; Flood Control
R12	Roofing
S01	Safety Engineering; Accident Studies; OSHA Studies
S02	Security Systems; Intruder & Smoke Detection
S03	Seismic Designs & Studies
S04	Sewage Collection, Treatment and Disposal
S05	Soils & Geologic Studies; Foundations
S06	Solar Energy Utilization
S07	Solid Wastes; Incineration; Landfill
S08	Special Environments; Clean Rooms, Etc.
S09	Structural Design; Special Structures
S10	Surveying; Platting; Mapping; Flood Plain Studies
S11	Sustainable Design
S12	Swimming Pools
S13	Storm Water Handling & Facilities
T01	Telephone Systems *(Rural; Mobile; Intercom, Etc.)*
T02	Testing & Inspection Services
T03	Traffic & Transportation Engineering
T04	Topographic Surveying and Mapping
T05	Towers *(Self-Supporting & Guyed Systems)*
T06	Tunnels & Subways

List of Experience Categories (Profile Codes)

Code	Description
U01	Unexploded Ordnance Remediation
U02	Urban Renewals; Community Development
U03	Utilities (Gas and Steam)
V01	Value Analysis; Life-Cycle Costing
W01	Warehouses & Depots
W02	Water Resources; Hydrology; Ground Water
W03	Water Supply; Treatment and Distribution
W04	Wind Tunnels; Research/Testing Facilities Design
Z01	Zoning; Land Use Studies

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. E-MAIL ADDRESS

C. PROPOSED TEAM

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

	(Check) PRIME	J-V PARTNER	SUBCON-TRACTOR	9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
a.				☐ CHECK IF BRANCH OFFICE		
b.				☐ CHECK IF BRANCH OFFICE		
c.				☐ CHECK IF BRANCH OFFICE		
d.				☐ CHECK IF BRANCH OFFICE		
e.				☐ CHECK IF BRANCH OFFICE		
f.				☐ CHECK IF BRANCH OFFICE		

D. ORGANIZATIONAL CHART OF PROPOSED TEAM ☐ *(Attached)*

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME	13. ROLE IN THIS CONTRACT	14. YEARS EXPERIENCE	
		a. TOTAL	b. WITH CURRENT FIRM

15. FIRM NAME AND LOCATION *(City and State)*

16. EDUCATION *(DEGREE AND SPECIALIZATION)*	17. CURRENT PROFESSIONAL REGISTRATION *(STATE AND DISCIPLINE)*

18. OTHER PROFESSIONAL QUALIFICATIONS *(Publications, Organizations, Training, Awards, etc.)*

19. RELEVANT PROJECTS

	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
a.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
b.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
c.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
d.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
e.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	

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 F for each project.)*			20. EXAMPLE PROJECT KEY NUMBER
21. TITLE AND LOCATION *(City and State)*	22. YEAR COMPLETED		
	PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*	

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

	(1) FIRM NAME	(2) FIRM LOCATION *(City and State)*	(3) ROLE
a.			
b.			
c.			
d.			
e.			
f.			

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G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

26. NAMES OF KEY PERSONNEL (From Section E, Block 12)	27. ROLE IN THIS CONTRACT (From Section E, Block 13)	28. EXAMPLE PROJECTS LISTED IN SECTION F (Fill in "Example Projects Key" section below before completing table. Place "X" under project key number for participation in same or similar role.)									
		1	2	3	4	5	6	7	8	9	10

29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1		6	
2		7	
3		8	
4		9	
5		10	

H. ADDITIONAL INFORMATION

30. 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

ARCHITECT-ENGINEER QUALIFICATIONS

1. SOLICITATION NUMBER *(If any)*

PART II - GENERAL QUALIFICATIONS

(If a firm has branch offices, complete for each specific branch office seeking work.)

2a. FIRM (OR BRANCH OFFICE) NAME

3. YEAR ESTABLISHED

4. DUNS NUMBER

2b. STREET

5. OWNERSHIP

a. TYPE

2c. CITY

2d. STATE

2e. ZIP CODE

b. SMALL BUSINESS STATUS

6a. POINT OF CONTACT NAME AND TITLE

7. NAME OF FIRM *(If block 2a is a branch office)*

6b. TELEPHONE NUMBER

6c. E-MAIL ADDRESS

8a. FORMER FIRM NAME(S) *(If any)*

8b. YR. ESTABLISHED

8c. DUNS NUMBER

9. EMPLOYEES BY DISCIPLINE

10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS

a. Function Code	b. Discipline	c. No. of Employees (1) FIRM	c. No. of Employees (2) BRANCH	a. Profile Code	b. Experience	c. Revenue Index Number *(see below)*
	Other Employees					
	Total					

11. ANNUAL AVERAGE PROFESSIONAL SERVICES REVENUES OF FIRM FOR LAST 3 YEARS

(Insert revenue index number shown at right)

a. Federal Work	
b. Non-Federal Work	
c. Total Work	

PROFESSIONAL SERVICES REVENUE INDEX NUMBER

1. Less than $100,000
2. $100,00 to less than $250,000
3. $250,000 to less than $500,000
4. $500,000 to less than $1 million
5. $1 million to less than $2 million
6. $2 million to less than $5 million
7. $5 million to less than $10 million
8. $10 million to less than $25 million
9. $25 million to less than $50 million
10. $50 million or greater

12. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

a. SIGNATURE

b. DATE

c. NAME AND TITLE

AUTHORIZED FOR LOCAL REPRODUCTION

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385. 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, § 3144) and/or The Contract Work Hours And Safety Standards Statute (40 U.S.C. Chapter 37, § 3703).

SCHEDULE OF WITHHOLDINGS UNDER THE CONSTRUCTION WAGE RATE REQUIREMENTS STATUTE (40 U.S.C. CHAPTER 31, SUBCHAPTER IV, §3144)

AND/OR

THE CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE (40 U.S.C. CHAPTER 37, §3703)

U.S. GOVERNMENT ACCOUNTABILITY OFFICE
Office of General Counsel
Davis-Bacon Group
WASHINGTON, DC 20548

Contractor or subcontractor charged with violations _____

Prime contractor _____

Contract No. _____ , _____
(Date)

Report concerning irregularities transmitted to--

_____ , _____
(Date)

Deducted from amounts otherwise due the contractor, for deposit to the account "05X6022," covering wages due the employees whose names, social security numbers, and current addresses are listed on the attached schedule, are withholdings pursuant to the following laws:

Construction Wage Rate Requirements Statute _____ $ _____

Contract Work Hours and Safety Standards _____ $ _____

Total _____ $ _____

Forwarded herewith is check No. _____ , dated _____

for $ _____

_____
(Disbursing officer or other administrative official)

STANDARD FORM 1093
(REV. 5/2012)

386. Revise section 53.301–1413 to read as follows:

53.301–1413 Statement and Acknowledgement.

STATEMENT AND ACKNOWLEDGMENT

OMB Number: 9000-0014
Expiration Date: 6/30/2014

Public reporting burden for this collection of information is estimated to average 30 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

PART I - STATEMENT OF PRIME CONTRACTOR

1. PRIME CONTRACT NO.	2. DATE SUBCONTRACT AWARDED	3. SUBCONTRACT NUMBER

4. PRIME CONTRACTOR			5. SUBCONTRACTOR		
a. NAME			a. NAME		
b. STREET ADDRESS			b. STREET ADDRESS		
c. CITY	d. STATE	e. ZIP CODE	c. CITY	d. STATE	e. ZIP CODE

6. The prime contract ☐ does, ☐ does not contain the clause entitled "Contract Work Hours and Safety Standards – Overtime Compensation."

7. The prime contractor states that under the contract shown in Item 1, a subcontract was awarded on the date shown in Item 2 to the subcontractor identified in item 5 by the following firm:

a. NAME OF AWARDING FIRM

b. DESCRIPTION OF WORK BY SUBCONTRACTOR

8. PROJECT	9. LOCATION

10a. NAME OF PERSON SIGNING	11. BY *(Signature)*	12. DATE SIGNED
10b. TITLE OF PERSON SIGNING		

PART II - ACKNOWLEDGMENT OF SUBCONTRACTOR

13. The subcontractor acknowledges that the following clauses of the contract shown in Item 1 are included in this subcontract:

- Contract Work Hours and Safety Standards Act - Overtime Compensation - (If included in prime contract see Block 6)
- Payrolls and Basic Records
- Withholding of Funds
- Disputes Concerning Labor Standards
- Compliance with Construction Wage Rate Requirements and Related Regulations
- Construction Wage Rate Requirements
- Apprentices and Trainees
- Compliance with Copeland Act Requirements
- Subcontracts (Labor Standards)
- Contract Termination - Debarment
- Certification of Eligibility

14. NAME(S) OF ANY INTERMEDIATE SUBCONTRACTORS, IF ANY

A		C	
B		D	

15a. NAME OF PERSON SIGNING	16. BY *(Signature)*	17. DATE SIGNED
15b. TITLE OF PERSON SIGNING		

AUTHORIZED FOR LOCAL REPRODUCTION
PREVIOUS EDITION IS NOT USABLE

STANDARD FORM 1413 (REV. 2/2012)
Prescribed by GSA/FAR (48 CFR) 53.222(e)

387. Revise section 53.301–1444 to read as follows:

53.301–1444 Request For Authorization Of Additional Classification and Rate.

AUTHORIZED FOR LOCAL REPRODUCTION

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE	CHECK APPROPRIATE BOX ☐ SERVICE CONTRACT ☐ CONSTRUCTION CONTRACT	OMB Number: 9000-0089 Expiration Date: 7/31/2014

Public reporting burden for this collection of information is estimated to average 15 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 aspect of this collection of information, including suggestions for reducing this burden, to the Regulatory Secretariat Division (MVCB), GSA, Washington, DC 20417.

INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPLICATE, TO THE CONTRACTING OFFICER.

1. **TO:** ADMINISTRATOR, WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, D.C. 20210	2. **FROM:** *(REPORTING OFFICE)*

3. CONTRACTOR	4. DATE OF REQUEST

5. CONTRACT NUMBER	6. DATE BID OPENED *(SEALED BIDDING)*	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF APPLICABLE) *(SERVICE CONTRACT ONLY)*

10. SUBCONTRACTOR *(IF ANY)*

11. PROJECT AND DESCRIPTION OF WORK *(ATTACH ADDITIONAL SHEET IF NEEDED)*

12. LOCATION *(CITY, COUNTY AND STATE)*

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION

NUMBER: _____ DATED: _____

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (SCA ONLY) *(Use reverse or attach additional sheets, if necessary)*	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE *(IF ANY)*	15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE

16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE	TITLE	CHECK APPROPRIATE BOX-REFERENCING BLOCK 13. ☐ AGREE ☐ DISAGREE

TO BE COMPLETED BY CONTRACTING OFFICER *(CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))*

☐ THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

☐ THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

(Send 3 copies to the Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NUMBER	DATE SUBMITTED

PREVIOUS EDITION IS USABLE

STANDARD FORM 1444 (REV. 2/2012)
Prescribed by GSA-FAR (48 CFR) 53.222(f)

388. Revise section 53.301–1446 to read as follows:

53.301–1446 Labor Standards Investigation Summary Sheet.

LABOR STANDARDS INVESTIGATION SUMMARY SHEET

REPORTING OFFICE	CONTRACT NUMBER	CONTRACT AMOUNT	DATE OF CONTRACT

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

NUMBER OF EMPLOYEES INVOLVED	ARE VIOLATIONS CONSIDERED WILLFUL? ☐ YES ☐ NO	COPELAND ACT VIOLATIONS? ☐ YES ☐ NO

DAVIS-BACON ACT UNDERPAYMENTS	CONTRACT WORK HOURS AND SAFETY STANDARDS ACT UNDERPAYMENTS	CONTRACT WORK HOURS AND SAFETY STANDARDS ACT VIOLATIONS
$	$	$

CORRECTIVE ACTIONS TAKEN

RESTITUTION MADE	AMOUNT OF RESTITUTION	CONTRACTORS PAYMENT WITHHELD
☐ YES ☐ NO	$	☐ YES ☐ NO

WITHHELD FOR DAVIS-BACON VIOLATIONS	WITHHELD FOR CONTRACT WORK HOURS AND SAFETY STANDARDS ACT UNDERPAYMENTS	WITHHELD FOR CONTRACT WORK HOURS AND SAFETY STANDARDS ACT VIOLATIONS
$	$	$

GENERAL SERVICES ADMINISTRATION

STANDARD FORM 1446 (REV. 4/2012)
Prescribed by GSA-FAR (48 CFR) 53.222(h)

REMARKS

PREPARED BY		
DATE	TITLE	SIGNATURE

STANDARD FORM 1446 (REV. 4/2012) **PAGE 2**

[FR Doc. C1–2012–21874 Filed 10–2–12; 8:45 am]

BILLING CODE 6820–14–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2014–0051, Sequence No. 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–73; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–73. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov.*

DATES: For effective dates and comment dates see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–73 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–73

Item	Subject	FAR Case	Analyst
I	Positive Law Codification of Title 41	2011–018	Chambers
II	Technical Amendments		

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]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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

[FAC 2005–73; FAR Case 2011–018; Item I; Docket 2011–0018, Sequence 1]

RIN 9000–AM30

Federal Acquisition Regulation; Positive Law Codification of Title 41

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule to amend 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.

DATES: *Effective:* May 29, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Edward N. Chambers, Procurement Analyst, at 202–501–3221 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory

Secretariat at 202–501–4755. Please cite FAC 2005–73, FAR Case 2011–018.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 77 FR 57950 on September 18, 2012, to implement the positive law codification of Title 41, United States Code, ''Public Contracts'' (Pub. L. 111–350). Changes to standard forms were published in a correction document in the **Federal Register** at 77 FR 60343 on October 3, 2012.

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

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply; however these changes to the FAR do not imposed additional information collection requirements to the paperwork burden previously approved under the Office of Management and Budget (OMB) Control Numbers 9000–0014, titled: Statement and Acknowledgment (SF 1413); 9000–0024, titled: Buy American Act Certificate; 9000–0025, titled: Buy American Act, Trade Agreements Act Certificate; 9000–0035, titled: Claims and Appeals; 9000–0045, titled: Bid Guarantees, Performance, and Payments Bonds; 9000–0070, titled: Payments; 9000–0089, titled: Request for Authorization of Additional Classification and Rate; 9000–0090, titled: Rights in Data and Copyrights; 9000–0091, titled: Anti-Kickback Procedures; 9000–0094, titled: Debarment and Suspension; 9000–0102, titled: Prompt Payment; 9000–0113, titled: Acquisition of Helium; 9000–0130, titled: Buy American Act-Free Trade Agreements—Israeli Trade Act Certificate; 9000–0135, titled: Prospective Subcontractor Requests for Bonds; 9000–0136, titled: Commercial Item Acquisitions; 9000–0138, titled: Contract Financing; 9000–0139, titled: Federal Acquisition and Community Right-to-know; 9000–0141, titled: Buy American—Construction; and 9000–0154, titled: Davis-Bacon Act—Price Adjustment (Actual Method).

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]

■ 3. Amend section 1.106 by removing from the introductory text ''(Pub. L. 96–511)'' and adding ''(44 U.S.C. chapter 35)'' in its place.

■ 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.

(a) Public Law 107–217 revised, codified, and enacted as title 40, United States Code, Public Buildings, Property, and Works, certain general and permanent laws of the United States.

(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.

Historical title of act	Division/chapter/subchapter	Title
Anti-Kickback Act	41 U.S.C. chapter 87	Kickbacks.
Brooks Architect-Engineer Act	40 U.S.C. chapter 11	Selection of Architects and Engineers.
Buy American Act	41 U.S.C. chapter 83	Buy American.
Contract Disputes Act of 1978	41 U.S.C. chapter 71	Contract Disputes.
Contract Work Hours and Safety Standards Act	40 U.S.C. chapter 37	Contract Work Hours and Safety Standards.
Davis-Bacon Act	40 U.S.C. chapter 31, Subchapter IV.	Wage Rate Requirements (Construction).

Historical title of act	Division/chapter/subchapter	Title
Drug-Free Workplace Act	41 U.S.C. chapter 81	Drug-Free Workplace.
Federal Property and Administrative Services Act of 1949, Title III.	41 U.S.C. Div. C of subtitle I [1]	Procurement.
Javits-Wagner-O'Day Act	41 U.S.C. chapter 85	Committee for Purchase from People Who Are Blind or Severely Disabled.
Miller Act	40 U.S.C. chapter 31, subchapter III.	Bonds.
Office of Federal Procurement Policy Act	41 U.S.C. Div. B of subtitle I [2]	Office of Federal Procurement Policy.
Procurement Integrity Act	41 U.S.C. chapter 21	Restrictions on Obtaining and Disclosing Certain Information.
Service Contract Act of 1965	41 U.S.C. chapter 67	Service Contract Labor Standards.
Truth in Negotiations Act	41 U.S.C. chapter 35	Truthful Cost or Pricing Data.
Walsh-Healey Public Contracts Act	41 U.S.C. chapter 65	Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000.

[1] Except sections 3302, 3501(b), 3509, 3906, 4710, and 4711.
[2] Except sections 1704 and 2303.

■ 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. * * *

* * * * *

1.501–1 [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]

■ 9. Amend section 1.602–3 by removing from paragraph (b)(5) ''under the Contract Disputes Act of 1978'' and adding ''under 41 U.S.C. chapter 71, Contract Disputes,'' in its place.

1.603–1 [Amended]

■ 10. Amend section 1.603–1 by removing ''Subsection 414(4) of Title 41, United States Code,'' and adding ''41 U.S.C. 1702(b)(3)(F)'' in its place.

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. Removing from 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'';

■ j. Removing from the definition ''Simplified acquisition threshold'' in the introductory text, ''(41 U.S.C. 428a)'' and adding ''(41 U.S.C. 1903)'' in its place;

■ k. Removing from the definition ''Technical data'' the words ''(See 41 U.S.C. 403(8))'' 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) * * *

(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.

* * * * *

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.

* * * * *

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 3—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.

* * * * *

■ 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]

■ 15. Amend section 3.104–4 by removing from paragraph (f)(1) ''section 27 of the Act'' and adding ''41 U.S.C. chapter 21'' in its place.

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. 253b(i)'' 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]

■ 20. Amend section 3.400 by removing ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 3901'' in its place.

3.402 [Amended]

■ 21. Amend section 3.402 by removing from the introductory text ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 3901'' in its place.

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—

* * * * *

(d) * * *

(3) An offset under paragraph (d)(1) or a direction under paragraph (d)(2) of this subsection is a claim by the Government for the purposes of 41 U.S.C. chapter 71, Contract Disputes.

* * * * *

(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)).

3.503–1 [Amended]

■ 24. Amend section 3.503–1 by removing ''41 U.S.C. 253g'' and adding ''41 U.S.C. 4704'' in its place.

■ 25. Amend section 3.703 by revising the introductory text of paragraph (b) and paragraph (b)(1) to read as follows:

3.703 Authority.

* * * * *

(b) 41 U.S.C. 2105(c) requires a Federal agency, upon receiving information that a contractor or a person 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 property 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.

■ 29. Revise section 3.1100 to read as follows:

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

■ 30. Revise section 4.500 to read as follows:

4.500 Scope of subpart.

This subpart provides policy and procedures for the establishment and use of electronic commerce in Federal acquisition as required by 41 U.S.C. 2301.

4.502 [Amended]

■ 31. Amend section 4.502 by removing from the introductory text of paragraph (b) ''Section 30 of the OFPP Act (41 U.S.C. 426)'' and adding ''41 U.S.C. 2301'' in its place.

■ 32. Amend section 4.602 by revising paragraph (a)(2) to read as follows:

4.602 General.

(a) * * *

(2) A means of measuring and assessing the effect of Federal contracting on the Nation's economy and the extent to which small, veteran-owned small, service-disabled veteran-owned small, HUBZone small, small disadvantaged, women-owned small business concerns, and AbilityOne nonprofit agencies operating under 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled, are sharing in Federal contracts;

* * * * *

4.805 [Amended]

■ 33. Amend section 4.805 by removing from paragraph (b)(1) ''Disputes Act'' and adding ''Disputes statute'' in its place.

4.1202 [Amended]

■ 34. Amend section 4.1202 by—

■ a. Removing from paragraph (p) ''Contract Act'' and ''Certification'' and adding ''Contract Labor Standards'' and ''-Certification'' in their place, respectively;

■ b. Removing from paragraph (q) ''Contract Act'' and adding ''Contract Labor Standards'' in its place; and

■ c. Removing from paragraphs (u) and (v) ''Buy American Act'' and adding ''Buy American'' in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

■ 35. Amend section 5.101 by revising the introductory text of paragraph (a) to read as follows:

5.101 Methods of disseminating information.

(a) As required by the Small Business Act (15 U.S.C. 637(e)) and 41 U.S.C. 1708, contracting officers must disseminate information on proposed contract actions as follows:

* * * * *

■ 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.

* * * * *

■ 37. Amend section 5.202 by revising paragraph (a)(4) to read as follows:

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

Government Procurement Agreement and Free Trade Agreements.''

* * * * *

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]

■ 42. Amend section 6.102 by removing from paragraph (d)(3) ''41 U.S.C. 259(b)(3)(A)'' and adding ''41 U.S.C. 152(3)(A)'' in its place.

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

■ c. Removing from paragraph (a)(2)(ii)(B) ''41 U.S.C. 253(d)(1)(B)'' and adding ''41 U.S.C. 3304(b)(2)'' in its place.

6.302–2 [Amended]

■ 45. Amend section 6.302–2 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(2)'' and adding ''41 U.S.C. 3304(a)(2)'' in its place.

6.302–3 [Amended]

■ 46. Amend section 6.302–3 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(3)'' and adding ''41 U.S.C. 3304(a)(3)'' in its place.

6.302–4 [Amended]

■ 47. Amend section 6.302–4 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(4)'' and adding ''41 U.S.C. 3304(a)(4)'' in its place.

■ 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) * * *

(1) * * *

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

(iii) 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]

■ 49. Amend section 6.302–6 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(6)'' and adding ''41 U.S.C. 3304(a)(6)'' in its place.

6.302–7 [Amended]

■ 50. Amend section 6.302–7 by removing from paragraph (a)(1) ''41 U.S.C. 253(c)(7)'' and adding ''41 U.S.C. 3304(a)(7)'' in its place.

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]

■ 52. Amend section 6.305 by removing from paragraph (a) ''41 U.S.C. 253(j).'' and adding ''41 U.S.C. 3304(f).'' in its place.

■ 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—ACQUISTION 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]

■ 57. Amend section 7.102 by removing from paragraph (a)(1) ''41 U.S.C. 251, *et seq.''* and adding ''41 U.S.C. 3307'' in its place; and removing from paragraph (a)(2) ''10 U.S.C. 2301(a)(5) and 41 U.S.C. 253a(a)(1)'' and adding ''10 U.S.C. 2305(a)(1)(A) and 41 U.S.C. 3306(a)(1)'' in its place.

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]

■ 60. Amend section 7.108 by removing from the introductory text ''section 1428 of Public Law 108–136'' and adding ''41 U.S.C. 3306(f)'' in its place.

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. 2384a 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

Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251, *et seq.*) and Title'' and adding ''41 U.S.C. 152(3), Competitive Procedures, and'' in its place.

8.403 [Amended]

■ 63. Amend section 8.403 by removing from the introductory text of paragraph (c) ''Public Law 108–136'' and adding ''Public Law 108–136 (40 U.S.C. 1103 note)'' in its place.

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]

■ 65. Amend section 8.602 by removing from the introductory text of paragraph (a) ''(Pub. L. 108–447)'' and adding ''(Pub. L. 108–447) (18 U.S.C. 4124 note)'' in its place.

■ 66. Amend section 8.603 by revising the introductory text, and removing from paragraph (a)(1) ''(41 U.S.C. 48)'' and adding ''(41 U.S.C. 8504)'' in its place.

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:

* * * * *

■ 67. Revise section 8.700 to read as follows:

8.700 Scope of subpart.

This subpart prescribes the policies and procedures for implementing—

(a) 41 U.S.C. chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled; and

(b) The rules of the Committee for Purchase from People Who Are Blind or Severely Disabled (41 CFR Chapter 51), which implements the AbilityOne program.

8.701 [Amended]

■ 68. Amend section 8.701 by—

■ a. Removing from the definition ''Procurement List'' ''the Javits-Wagner-O'Day Act'' and adding ''41 U.S.C. chapter 85'' in its place; and

■ b. Removing from the definition ''Nonprofit agency serving people who are blind,'' the words ''the Act'' and adding ''41 U.S.C. chapter 85'' in its place.

8.702 [Amended]

■ 69. Amend section 8.702 by removing from paragraph (c) ''the Javits-Wagner-O'Day Act'' and adding ''41 U.S.C. chapter 85'' in its place.

8.704 [Amended]

■ 70. Amend section 8.704 by removing from the introductory text of paragraph (a) ''The Javits-Wagner-O'Day Act'' and adding ''41 U.S.C. chapter 85'' in its place; and removing from paragraph (a)(1)(i) ''(41 U.S.C. 48)'' and adding ''(41 U.S.C. 8504)'' in its place.

8.1104 [Amended]

■ 71. Amend section 8.1104 by removing from paragraph (e)(3) ''Walsh-Healey Public Contracts Act'' and adding ''Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000'' in its place.

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. The revised text reads as follows:

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]

■ 76. Amend section 9.402 by removing from paragraph (d) ''(Pub. L. 110–417)'' and adding ''(Pub. L. 110–417) (31 U.S.C. 6101 note)'' in its place.

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

9.406–2 Causes for debarment.

* * * * *

(b)(1) * * *

(ii) Violations of 41 U.S.C. chapter 81, Drug-Free Workplace, as indicated by—

* * * * *

9.406–4 [Amended]

■ 78. Amend section 9.406–4 by removing from paragraph (a)(1)(i) ''the Drug-Free Workplace Act of 1988'' and adding ''41 U.S.C. chapter 81, Drug-Free Workplace'' in its place.

■ 79. Amend section 9.407–2 by revising the introductory text of paragraph (a)(4) to read as follows:

9.407–2 Causes for suspension.

(a) * * *

(4) Violations of 41 U.S.C. chapter 81, Drug-Free Workplace, as indicated by—

* * * * *

PART 10—MARKET RESEARCH

10.000 [Amended]

■ 80. Amend section 10.000 by removing ''41 U.S.C. 253a(a)(1), 41 U.S.C. 264b'' and adding ''41 U.S.C. 3306(a)(1), 41 U.S.C. 3307'' in its place.

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) ''Section 8002(c) of Pub. L. 103–355'' and adding ''41 U.S.C. 3307(e)'' in its place.

11.500 [Amended]

■ 83. Amend section 11.500 by removing ''Standards Act'' and adding ''Standards statute'' in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.000 [Amended]

■ 84. Amend section 12.000 by removing ''Title VIII of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355)'' and adding ''41 U.S.C. 1906, 1907, and 3307 and 10 U.S.C. 2375–2377'' in its place.

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

Fiscal Year 2004 (Pub. L. 108–136) (41 U.S.C. 437)'' and adding ''41 U.S.C. 2310'' in its place.

■ 86. Revise section 12.103 to read as follows:

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.

■ 87. Revise section 12.201 to read as follows:

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]

■ 88. Amend section 12.301 by removing from the introductory text of paragraph (a) ''Section 8002 of Public Law 103–355 (41 U.S.C. 264, note)'' and adding ''41 U.S.C. 3307'' in its place.

12.404 [Amended]

■ 89. Amend section 12.404 by removing from the introductory text of paragraph (b) ''The Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 264 note)'' and adding ''41 U.S.C. 3307(e)(5)(B)'' in its place.

12.500 [Amended]

■ 90. Amend section 12.500 by removing from the introductory text of paragraph (a) ''sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430 and 431)'' and adding ''41 U.S.C. 1906 and 1907'' in its place.

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 3.404).

(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).

* * * * *

(7) 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), Payment Protections for Subcontractors and Suppliers (see 28.106–6).

(8) 41 U.S.C. 4706(d)(1) and 10 U.S.C. 2313(c)(1), GAO Access to Contractor Employees, section 871 of Pub. L. 110–417 (see 52.214–26 and 52.215–2).

(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 15.403).

* * * * *

■ 93. Amend section 12.504 by—

■ a. Revising paragraphs (a)(4) through (a)(10);

■ b. Removing from paragraph (a)(13) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place;

■ c. Removing from paragraph (b) ''Act, 40 U.S.C. 3701, *et seq.*'' and adding ''statute, 40 U.S.C. chapter 37'' in its place; and

■ d. Revising paragraphs (c)(1) through (c)(3).

The revised text reads as follows:

12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) * * *

(4) 41 U.S.C. 6505, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (see subpart 22.6).

(5) 41 U.S.C. 4703, Validation of Proprietary Data restrictions (see subpart 27.4).

(6) 41 U.S.C. 3901(b) and 10 U.S.C. 2306(b), Contingent Fees (see subpart 3.4).

(7) 41 U.S.C. 4706(d) and 10 U.S.C. 2313(c), Examination of Records of Contractor, when a subcontractor is not required to provide certified cost or pricing data (see 15.209(b)), unless using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5).

(8) 41 U.S.C. 1708(e)(3), Minimum Response Time for Offers (see subpart 5.2).

(9) 41 U.S.C. 2302, Rights in Technical Data (see subpart 27.4).

(10) 41 U.S.C. chapter 81, Drug-Free Workplace (see subpart 23.5).

* * * * *

(c) * * *

(1) 41 U.S.C. 4704 and 10 U.S.C. 2402, Prohibition on Limiting Subcontractor Direct Sales to the United States (see subpart 3.5).

(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).

(3) 41 U.S.C. chapter 15, Cost Accounting Standards (48 CFR chapter 99) (see 12.214).

■ 94. Amend section 12.505 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;

■ c. Removing from paragraph (a)(1) ''41 U.S.C. 57(a) and (b) (Anti-Kickback Act of 1986)'' and adding ''41 U.S.C. 8703 (Kickbacks statute)'' in its place;
■ d. Removing from paragraph (a)(2) ''40 U.S.C. 3131 (Miller Act). (Although the Miller Act does'' and adding ''40 U.S.C. 3131 (Bonds statute). (Although the Bonds statute does'' in its place;
■ e. Revising paragraphs (a)(3), (a)(4), and (a)(6) through (a)(8); and
■ f. Removing from paragraph (c)(2) ''Section 4101, Public Law 103–355'' and adding ''41 U.S.C. 1905'' in its place.

The revised text reads as follows:

13.005 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).

(7) 10 U.S.C. 2313 and 41 U.S.C. 4706 (Authority to Examine Books and Records of Contractors).

(8) 10 U.S.C. 2402 and 41 U.S.C. 4704 (Prohibition on Limiting Subcontractors Direct Sales to the United States).

* * * * *

13.006 [Amended]

■ 96. Amend section 13.006 by removing from paragraph (e) the word ''Act''.

13.302–5 [Amended]

■ 97. Amend section 13.302–5 by removing from paragraph (d)(3)(i) ''Buy American Act'' and adding ''Buy American'' in its place (two times).

13.500 [Amended]

■ 98. Amend section 13.500 by removing from the introductory text of paragraph (a) ''41 U.S.C. 253(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. 428a)'' 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

■ 100. 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.

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]

■ 102. Amend section 14.404–2 by removing from paragraph (l) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place.

■ 103. The authority citation for 48 CFR parts 15, 16, 17, 19, and 22 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 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]

■ 105. Amend section 15.209 by removing from the introductory text of paragraph (b)(1) ''41 U.S.C. 254d'' and adding ''41 U.S.C. 4706'' in its place.

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
■ b. Removing from paragraph (b)(6) ''10 U.S.C. 2305(b)(4)(B) 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.

15.304 [Amended]

■ 107. Amend section 15.304 by—
■ a. Removing from paragraph (c)(1) ''41 U.S.C. 253a(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;
■ b. Removing from paragraph (c)(2) ''41 U.S.C. 253a(c)(1)(A); and'' and adding ''3306(c)(1)(A).'' in its place;
■ c. Removing from paragraph (d) ''41 U.S.C. 253a(b)(1)(A)'' and adding ''41 U.S.C. 3306(b)(1)(A)'' in its place; and
■ d. Removing from paragraph (e)(3) ''41 U.S.C. 253a(c)(1)(C)'' and adding ''41 U.S.C. 3306(c)(1)(C)'' in its place.

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;
■ b. Removing from paragraph (c)(2) ''41 U.S.C. 253b(d)'' and adding ''41 U.S.C. 3703'' in its place; and
■ c. Removing from paragraphs (e)(3) and (e)(5) ''41 U.S.C. 423(h)(1)(2)'' and adding ''41 U.S.C. 2102 and 2107'' in its place.

15.401 [Amended]

■ 109. Amend section 15.401 by removing from the definition ''Subcontract'' the citation ''41 U.S.C. 254b(h)(2)'' and adding ''41 U.S.C. 3501(a)(3)'' in its place.

■ 110. Amend section 15.403–1 by—
■ a. Revising the section heading;
■ b. Removing from paragraph (c)(3)(ii) introductory text ''section 868 of Pub. L. 110–417'' and adding ''41 U.S.C. 3501'' in its place;
■ c. Removing from paragraph (c)(3)(ii)(A) ''41 U.S.C. 254b'' and adding ''41 U.S.C. chapter 35'' in its place; and
■ d. Removing from paragraph (c)(3)(iv) ''41 U.S.C. 428a'' and adding ''41 U.S.C. 1903'' in its place.

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)(2)*'' 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:

15.403–4 Requiring certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

* * * * *

15.404–1 [Amended]

■ 113. Amend section 15.404–1 by removing from paragraph (f)(2) ''10 U.S.C. 2304 and 41 U.S.C. 254(d)(5)(A)(i)'' and adding ''10 U.S.C.

2306a(b)(1)(A)(i) and 41 U.S.C. 3503(a)(1)(A)'' in its place.

15.404–2 [Amended]

■ 114. Amend section 15.404–2 by removing from paragraph (c)(2) ''41 U.S.C. 254d'' and adding ''41 U.S.C. 4706'' in its place.

15.404–4 [Amended]

■ 115. Amend section 15.404–4 by removing from the introductory text of paragraph (c)(4)(i) ''41 U.S.C. 254(b)'' and adding ''41 U.S.C. 3905'' in its place; and removing from paragraph (d)(1)(iii) ''handicapped sheltered workshops'' and adding ''sheltered workshops for workers with disabilities'' in its place.

15.407–1 [Amended]

■ 116. Amend section 15.407–1 by removing from paragraph (d)(1) ''Disputes Act'' and adding ''Disputes statute'' in its place.

15.503 [Amended]

■ 117. Amend section 15.503 by removing from the introductory text of paragraph (b)(1) ''41 U.S.C. 253b(c)'' and adding ''41 U.S.C. 3704'' in its place.

15.505 [Amended]

■ 118. Amend section 15.505 by removing from the introductory text ''41 U.S.C. 253b(f)–(h)'' and adding ''41 U.S.C. 3705'' in its place.

PART 16—TYPES OF CONTRACTS

16.102 [Amended]

■ 119. Amend section 16.102 by—
■ a. Removing from paragraph (b) ''41 U.S.C. 254(a)'' and adding ''41 U.S.C. 3901'' in its place; and
■ b. Removing from paragraph (c) ''41 U.S.C. 254(b)'' and adding ''41 U.S.C. 3905(a)'' in its place.

16.501–2 [Amended]

■ 120. Amend section 16.501–2 by removing from paragraph (a) ''Pursuant to 10 U.S.C. 2304d and section 303K of the Federal Property and Administrative Service Act of 1949'' and adding ''Pursuant to 10 U.S.C. 2304d and 41 U.S.C. 4101'' in its place.

16.505 [Amended]

■ 121. Amend section 16.505 by—
■ a. Removing from the introductory text of paragraph (a)(9) ''Public Law 108–136'' and adding ''Public Law 108–136 (40 U.S.C. 1103 note)'' in its place; and
■ b. Removing from paragraphs (b)(2)(ii)(C)(*2*) and (b)(8) ''competition advocate'' and adding ''advocate for competition'' in its place.

PART 17—SPECIAL CONTRACTING METHODS

■ 122. Revise section 17.101 to read as follows:

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.

■ 123. Amend section 17.109 by revising paragraph (b)(1) to read as follows:

17.109 Contract clauses.

* * * * *

(b) * * *

(1) Shall add the clause at 52.222–43, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts), when the contract includes the clause at 52.222–41, Service Contract Labor Standards;

* * * * *

17.204 [Amended]

■ 124. Amend section 17.204 by removing from paragraph (e) ''Contract Act'' and adding ''Contract Labor Standards statute'' in its place.

■ 125. Amend section 17.501 by revising paragraph (d) to read as follows:

17.501 General.

* * * * *

(d) An agency shall not use an interagency acquisition to make acquisitions conflicting with any other agency's authority or responsibility (for example, that of the Administrator of General Services under title 40, United States Code, ''Public Buildings, Property and Works'' and 41 U.S.C. division C of subtitle I, Procurement).

17.602 [Amended]

■ 126. Amend section 17.602 by removing from paragraph (a) ''the Competition in Contracting Act of 1984'' and adding ''41 U.S.C. chapter 33'' in its place.

PART 19—SMALL BUSINESS PROGRAMS

■ 127. Amend section 19.000 by revising the introductory text of paragraph (a) to read as follows:

19.000 Scope of part.

(a) This part implements the acquisition-related sections of the Small Business Act (15 U.S.C. 631, *et seq.*); applicable sections of 10 U.S.C. 2302, *et seq.;* 41 U.S.C. 3104; 10 U.S.C. 2323; and Executive Order 12138, May 18, 1979. It covers—

* * * * *

■ 128. Amend section 19.201 by revising the introductory text of paragraph (d) to read as follows:

19.201 General policy.

* * * * *

(d) The Small Business Act requires each agency with contracting authority to establish an Office of Small and Disadvantaged Business Utilization (see section (k) of the Small Business Act). For the Department of Defense, in accordance with section 904 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) (10 U.S.C. 144 note), the Office of Small and Disadvantaged Business Utilization has been redesignated as the Office of Small Business Programs. Management of the office shall be the responsibility of an officer or employee of the agency who shall, in carrying out the purposes of the Act—

* * * * *

19.800 [Amended]

■ 129. Amend section 19.800 by removing from paragraph (a) ''agencies and let'' and adding ''agencies and award'' in its place.

19.811–1 [Amended]

■ 130. Amend section 19.811–1 by removing from paragraph (b)(1) ''41 U.S.C. 253(c)(5)'' and adding ''41 U.S.C. 3304(a)(5)'' in its place.

19.1304 [Amended]

■ 131. Amend section 19.1304 by removing from paragraph (a)(2) ''Javits-Wagner-O'Day Act participating'' and adding ''AbilityOne participating'' in its place.

19.1404 [Amended]

■ 132. Amend section 19.1404 by removing from paragraph (a)(2) ''Javits-Wagner-O'Day Act participating'' and adding ''AbilityOne participating'' in its place.

19.1504 [Amended]

■ 133. Amend section 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

■ 134. Amend section 22.001 by—
■ a. Removing from the definition ''e98'' the words ''Contract Act'' and adding

''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.

* * * * *

Wage Determinations OnLine (WDOL) means the Government Internet Web site for both Construction Wage Rate Requirements statute and Service Contract Labor Standards statute wage determinations available at *http://www.wdol.gov.*

22.102–1 [Amended]

■ 135. Amend section 22.102–1 by removing from paragraph (h) ''the handicapped'' and adding ''workers with disabilities'' in its place.

■ 136. Amend section 22.102–2 by revising paragraph (c) to read as follows:

22.102–2 Administration.

* * * * *

(c)(1) The U.S. Department of Labor is responsible for the administration and enforcement of the Occupational Safety and Health Act. The Department of Labor's Wage and Hour Division is responsible for administration and enforcement of numerous wage and hour statutes including—

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

(ii) 40 U.S.C. chapter 37, Contract Work Hours and Safety Standards;

(iii) The Copeland Act (18 U.S.C. 874 and 40 U.S.C. 3145);

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

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

(2) Contracting officers should contact the Wage and Hour Division's regional offices when required by the subparts relating to these statutes unless otherwise specified. Addresses for these offices may be found at Appendix B to 29 CFR Part 1.

■ 137. Amend section 22.202 by revising paragraph (a) to read as follows:

22.202 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—

* * * * *

(d) To be performed outside the United States, Puerto Rico, 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) (29 CFR 5.15);

(e) For work to be done solely in accordance with 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000 (see subpart 22.6);

* * * * *

22.401 [Amended]

■ 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 22.403–3 to read as follows:

22.403–3 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.

* * * * *

■ 149. Amend section 22.404 by revising the section heading to read as follows:

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.

22.406–2 [Amended]

■ 153. Amend section 22.406–2 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)(8);

■ c. Removing from the introductory text of paragraph (e) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements'' 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) * * *

(8) 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 other 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 52.222–20, 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.

This subpart prescribes policies and procedures implementing the provisions of 41 U.S.C. chapter 67, Service Contract Labor Standards (formerly known as the Service Contract Act of 1965), the applicable provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201, et seq.), and related Secretary of Labor regulations and instructions (29 CFR parts 4, 6, 8, and 1925).

■ 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]

■ 171. Amend section 22.1002–1 by removing ''41 U.S.C. 353(d)'' and adding ''41 U.S.C. 6707(d)'' in its place.

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

22.1003–2 Geographical coverage of the Service Contract Labor Standards statute.

The Service Contract Labor Standards statute applies to service contracts performed in the United States (see 22.1001). The Service Contract Labor

Standards statute does not apply to contracts performed outside the United States.

■ 173. Amend section 22.1003–3 by revising the introductory text and paragraph (b) to read as follows:

22.1003–3 Statutory exemptions.

The Service Contract Labor Standards statute does not apply to—

* * * * *

(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;

* * * * *

■ 174. Amend section 22.1003–4 by—

■ a. Revising paragraph (a);

■ b. Removing from the introductory text of paragraph (b) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place;

■ c. Removing from the introductory text of paragraph (c)(1) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place;

■ d. Removing from paragraph (c)(3)(i) ''Contract Act'' and adding ''Contract Labor Standards statute'' in its place;

■ e. Removing from paragraphs (c)(3)(ii) and (c)(3)(iii) ''Contract Act'' and adding ''Contract Labor Standards'' in its place;

■ f. Removing from paragraph (c)(4)(i) ''Contract Act'' and adding ''Contract Labor Standards statute'' in its place;

■ g. Removing from paragraph (c)(4)(ii), and the introductory text of paragraph (d)(1), ''the Act'' and adding ''the Service Contract Labor Standards statute'' in their places;

■ h. Removing from paragraph (d)(1)(iv) ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statute'' in its place;

■ i. Removing from paragraphs (d)(3)(i), (d)(3)(ii), and (d)(3)(iii) ''Contract Act'' and adding ''Contract Labor Standards'' in their places;

■ j. Removing from paragraph (d)(4)(i) ''Contract Act'' and ''the Act'' and adding ''Contract Labor Standards statute'' and ''the Service Contract Labor Standards statute'' in its place; and

■ k. Revising paragraphs (d)(5)(i) and (d)(5)(iii).

The revised text reads as follows:

22.1003–4 Administrative limitations, variations, tolerances, and exemptions.

(a) The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of the Service Contract Labor Standards statute other than 41 U.S.C. 6707(f). These will be made only in special circumstances where it has been determined that the limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of Government business, and is in accord with the remedial purpose of the Service Contract Labor Standards statute to protect prevailing labor standards (41 U.S.C. 6707(b)). See 29 CFR 4.123 for a listing of administrative exemptions, tolerances, and variations. Requests for limitations, variances, tolerances, and exemptions from the Service Contract Labor Standards statute shall be submitted in writing through contracting channels and the agency labor advisor to the Wage and Hour Administrator.

* * * * *

(d) * * *

(5) * * *

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

* * * * *

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

22.1003–5 [Amended]

■ 175. Amend section 22.1003–5 by removing from the introductory text ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place.

■ 176. Amend section 22.1003–6 by revising paragraph (a) introductory text; and by removing from paragraph (b) introductory text ''Contract Act'' and adding ''Contract Labor Standards statute'' in its place.

The revised text reads as follows:

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.

* * * * *

■ 177. Amend section 22.1003–7 by—

■ a. Revising the section heading; and

■ b. Removing ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place.

The revised text reads as follows:

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)(1) 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) ''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'' in their places;

■ d. Revising paragraph (a)(2)(ii);

■ e. Removing from paragraph (b) ''the Act'' and adding ''the Service Contract Labor Standards statute'' in its place;

■ f. Removing from paragraphs (c)(1) and (c)(2) the words ''Service Contract Act'' and ''Service Contract Act of 1965'' and adding ''Service Contract Labor Standards'' in their places (six times);

■ g. Revising paragraphs (e)(1), (e)(2), (e)(3)(i), (e)(4), and (f).

The revised text reads as follows:

22.1006 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 52.222–52, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification, in solicitations that—

(A) Include the clause 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;

■ 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 removing ''Service Contract Act of 1965'' and adding ''Service Contract Labor Standards'' in its place;

■ e. Removing from paragraph (d)(3) ''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-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]

■ 184. Amend section 22.1015 by removing ''Service Contract Act'' and ''section 10 of the Act (41 U.S.C. 358)'' and adding ''Service Contract Labor Standards statute'' and ''41 U.S.C. 6707(f)'' in their place, respectively.

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]

■ 187. Amend section 22.1020 by removing ''Service Contract Act of 1965'' and adding ''Service Contract Labor Standards'' in its place.

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]

■ 191. Amend section 22.1026 by removing ''Act of 1965'' and adding ''Labor Standards'' in its place.

■ 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]

■ 193. Amend section 22.1204 by removing from paragraph (a) ''Act of 1965'' and adding ''Labor Standards'' in its place.

■ 194. Revise section 22.1502 to read as follows:

22.1502 Policy.

Agencies must take 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 65. 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.

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

■ 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 paragraph (a) ''41 U.S.C. 253b(m)'' and adding ''41 U.S.C. 4702'' in its place; and

■ b. Removing from paragraph (b) ''41 U.S.C. 254b(d)(2)(C)'' and adding ''41 U.S.C. 3505(b)(3)'' in its place.

■ 201. 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.

PART 25—FOREIGN ACQUISITION

■ 202. Amend section 25.000 by revising paragraph (b) to read 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

■ b. Removing from paragraphs (b), (c) introductory text, and (c)(1) ''Buy American Act'' and adding ''Buy American statute'' in its place.

The revised text reads as follows:

25.001 General.

(a) 41 U.S.C. chapter 83, Buy American—

* * * * *

■ 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	
	Inside U.S.	Outside U.S.	Inside U.S.	Outside U.S.	Inside U.S.	Outside U.S.
25.1 Buy American—Supplies	X					
25.2 Buy American—Construction Materials			X			
25.3 Contracts Performed Outside the United States		X		X		X
25.4 Trade Agreements	X	X	X	X	X	X
25.5 Evaluating Foreign Offers—Supply Contracts	X	X				
25.6 American Recovery and Reinvestment Act—Buy American statute—Construction Materials			X			

* * * * * * *

■ 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);

■ b. Removing from paragraph (a)(2) ''41 U.S.C. 431'' and ''Buy American Act'' and adding ''41 U.S.C. 1907'' and ''Buy American statute'' in their place, respectively; and

■ c. Removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place.

25.103 [Amended]

■ 208. Amend section 25.103 by removing from the introductory text, paragraphs (a), (b) introductory text, and (b)(1)(iii)(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]

■ 219. Amend section 25.405 by removing ''(Pub. L. 109–53)'' and adding ''(Pub. L. 109–53) (19 U.S.C. 4031)'' in its place.

25.406 [Amended]

■ 220. Amend section 25.406 by removing ''Buy American Act'' and adding ''Buy American statute'' in its place.

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)(2) and (b)(2) ''Buy American Act'' and adding ''Buy American statute'' in its place.

The revised text reads as follows:

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]

■ 234. Amend section 25.700 by removing from paragraph (b) ''110–174)'' and adding ''110–174) (50 U.S.C. 1701 note)'' in its place.

25.1001 [Amended]

■ 235. Amend section 25.1001 by removing from paragraph (a) introductory text ''41 U.S.C. 254d'' and adding ''41 U.S.C. 4706'' in its place.

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)(ii), (c)(1), and (d) ''Buy American Act'' and adding ''Buy American statute'' in their places; and

■ c. Removing from paragraphs (a)(2), (b)(1)(i) introductory text, and (b)(2)(i) ''Buy American Act'' and adding ''Buy American'' in its place.

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]

■ 238. Amend section 26.400 by removing ''(Pub. L. 110–247)'' and adding ''(42 U.S.C. 1792)'' in its place.

■ 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:

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

27.304–4 [Amended]

■ 241. Amend section 27.304–4 by removing from paragraph (c) ''Act'' and adding ''statute'' in its place (two times).

27.406–3 [Amended]

■ 242. Amend 27.406–3 by removing from paragraph (a) ''418a(d)'' and adding ''2302(e)'' in its place.

PART 28—BONDS AND INSURANCE

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

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

■ 244. Amend section 28.102–1 by revising the introductory text of paragraph (a) and paragraph (a)(2) to read as follows.

28.102–1 General.

(a) 40 U.S.C. chapter 31, subchapter III, Bonds (formerly known as the Miller Act), requires performance and payment bonds for any construction contract exceeding $150,000, except that this requirement may be waived—

* * * * *

(2) As otherwise authorized by the Bonds statute or other law.

* * * * *

28.102–2 [Amended]

■ 245. Amend section 28.102–2 by removing from the heading of paragraph (b) ''*$150,000 (Miller Act)*'' and adding ''*$150,000*'' in its place.

28.106–1 [Amended]

■ 246. Amend section 28.106–1 by removing from paragraphs (h) and (i) ''Miller Act'' and adding ''Bonds Statute'' in its place.

28.106–4 [Amended]

■ 247. Amend section 28.106–4 by removing from paragraph (b) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place; and removing the words ''the Miller Act'' and adding ''40 U.S.C. chapter 31, subchapter III, Bonds'' in its place.

28.106–6 [Amended]

■ 248. Amend section 28.106–6 by removing from the introductory text of paragraph (d) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place; and removing ''Miller Act'' and adding ''Bonds statute'' in its place.

■ 249. Amend section 28.202 by revising paragraph (a)(4) to read as follows.

28.202 Acceptability of corporate sureties.

(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.

* * * * *

28.203–5 [Amended]

■ 250. Amend section 28.203–5 by removing from the headings of paragraphs (a)(1) and (a)(3) ''*Miller Act*'' and adding ''*Bonds statute*'' in its place.

28.204–3 [Amended]

■ 251. Amend section 28.204–3 by removing from the introductory text of paragraphs (f)(2)(i) and (f)(2)(ii), ''Miller Act'' and adding ''Bonds statute'' in its place.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

■ 252. The authority citation for 48 CFR part 30 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.

30.101 [Amended]

■ 253. Amend section 30.101 by—

■ a. Removing from paragraph (a) ''Public Law 100–679 (41 U.S.C. 422)'' and adding ''41 U.S.C. chapter 15, Cost Accounting Standards,'' in its place; and

■ b. Removing from paragraph (b) ''Public Law 100–679'' and adding ''41 U.S.C. chapter 15'' in its place.

■ 254. The authority citation for 48 CFR parts 31, 32, and 33 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 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205–1 [Amended]

■ 255. Amend section 31.205–1 by removing from paragraph (f)(8) ''Pub L. 110–247) (see FAR subpart 26.4)'' and adding ''42 U.S.C. 1792, see subpart 26.4)'' in its place.

■ 256. Amend section 31.205–6 by revising paragraph (g)(6) to read as follows:

31.205–6 Compensation for personal services.

* * * * *

(g) * * *

(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]

■ 257. Amend section 31.205–47 by-

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

■ b. In the introductory text of the definition of ''Fraud'', removing ''*Fraud,* as used in this subsection'', and adding ''Fraud'' in its place;

c. In paragraph (3) of the definition of ''Fraud'', removing ''the Anti-Kickback Act, 41 U.S.C., sections 51 and 54'' and adding ''41 U.S.C. chapter 87, Kickbacks'' in its place.

31.603 [Amended]

■ 258. Amend section 31.603 by—

■ a. Removing from the introductory text of paragraph (b) ''41 U.S.C. 256(e)'' and adding ''41 U.S.C. 4304(a)'' in its place; and

■ b. Removing from paragraph (b)(15) ''41 U.S.C. 256(k)'' and adding ''41 U.S.C. 4310'' in its place.

31.703 [Amended]

■ 259. Amend section 31.703 by removing from paragraph (b) ''41 U.S.C. 256(e)'' and adding ''41 U.S.C. 4304'' in its place.

PART 32—CONTRACT FINANCING

■ 260. Amend section 32.006–1 by revising paragraph (a) and the first sentence of paragraph (b) to read as follows:

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]

■ 261. Amend section 32.006–2 by removing from the definition ''Remedy coordination official'' the citation ''41 U.S.C. 255(g)(9)'' and adding ''41 U.S.C. 4506(a)'' in its place.

32.006–5 [Amended]

■ 262. Amend section 32.006–5 by removing from paragraph (a) and from the introductory text of paragraph (b) ''41 U.S.C. 255'' and ''10 U.S.C. 2307'' and adding ''41 U.S.C. 4506(h)'' and ''10 U.S.C. 2307(i)(7)'' in their places, respectively;

■ 263. Revise section 32.101 to read as follows:

32.101 Authority.

The basic authority for the contract financing described in this part is contained in 41 U.S.C. chapter 45, Contract Financing, 10 U.S.C. 2307, and Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091).

32.102 [Amended]

■ 264. Amend section 32.102 by removing from paragraph (d) ''41 U.S.C. 255'' and adding ''41 U.S.C. chapter 45'' in its place.

32.112–1 [Amended]

■ 265. Amend section 32.112–1 by removing from the introductory text of paragraph (a) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place.

32.112–2 [Amended]

■ 266. Amend section 32.112–2 by removing from the introductory text of paragraph (a) ''Pub. L. 103–355'' and adding ''Pub. L. 103–355 (10 U.S.C. 2302 note)'' in its place.

32.201 [Amended]

■ 267. Amend section 32.201 by removing ''41 U.S.C. 255(f)'' and adding ''41 U.S.C. 4505'' in its place.

32.202–4 [Amended]

■ 268. Amend section 32.202–4 by removing from the introductory text of paragraph (a)(1) ''41 U.S.C. 255(f)'' and adding ''41 U.S.C. 4505'' in its place.

■ 269. Amend section 32.401 by revising paragraphs (a) and (b) to read as follows:

32.401 Statutory authority.

* * * * *

(a) 41 U.S.C. chapter 45;

(b) 10 U.S.C. 2307; or

* * * * *

32.410 [Amended]

■ 270. Amend section 32.410(b) by removing from paragraph (c) of the example ''Findings, Determination, and Authority for Advance Payments'' ''(section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255)) (the Armed Services Procurement Act (10 U.S.C. 2307))'' and adding ''(41 U.S.C. chapter 45, Contract Financing) (10 U.S.C. 2307)'' in its place.

32.501–1 [Amended]

■ 271. Amend section 32.501–1 by removing from paragraph (d) ''41 U.S.C. 255'' and adding ''41 U.S.C. 4504(b)'' in its place.

32.604 [Amended]

■ 272. Amend section 32.604 by removing from paragraph (b)(4)(ii) ''Section 611 of the Contract Disputes Act of 1978 (Public Law 95–563)'' and adding ''41 U.S.C. 7109'' in its place.

32.606 [Amended]

■ 273. Amend section 32.606, by removing from paragraph (a) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place.

32.703–3 [Amended]

■ 274. Amend section 32.703–3, by removing from paragraph (a), ''41 U.S.C. 11a'' and adding ''41 U.S.C. 6302'' in its place; and removing from paragraph (b) ''41 U.S.C. 253l'' and adding ''41 U.S.C. 3902'' in its place.

32.800 [Amended]

■ 275. Amend section 32.800 by removing ''31 U.S.C. 3727'' and adding ''(31 U.S.C. 3727, 41 U.S.C. 6305)'' in its place.

32.805 [Amended]

■ 276. Amend section 32.805(c), under the heading ''Notice of Assignment'', by removing from the third paragraph, ''31 U.S.C. 3727, 41 U.S.C. 15'' and adding ''(31 U.S.C. 3727, 41 U.S.C. 6305)'' in its place.

PART 33—PROTESTS, DISPUTES, AND APPEALS

33.102 [Amended]

■ 277. Amend section 33.102 by removing from paragraph (f) ''41 U.S.C. 423(g)'' and adding ''41 U.S.C. 2106'' in its place.

33.201 [Amended]

■ 278. Amend section 33.201 by removing from the definition ''Defective certification'' the words ''a person duly'' and adding ''a person'' in its place.

■ 279. Revise the section heading and the introductory text of section 33.202 to read as follows.

33.202 Disputes.

41 U.S.C. chapter 71, Disputes, establishes procedures and requirements for asserting and resolving claims subject to the Disputes statute. In addition, the Disputes statute provides for—

* * * * *

■ 280. Amend section 33.203 by—
■ a. Revising paragraph (b)(1);
■ b. Removing from paragraphs (b)(2) ''Act'' and adding ''Disputes statute'' in its place; and
■ c. Revising paragraph (c).

The revised text reads as follows:

33.203 Applicability.

* * * * *

(b) * * *

(1) A foreign government or agency of that government; or

* * * * *

(c) This part applies to all disputes with respect to contracting officer decisions on matters ''arising under'' or ''relating to'' a contract. Agency Boards of Contract Appeals (BCAs) authorized under the Disputes statute continue to have all of the authority they possessed before the Disputes statute with respect to disputes arising under a contract, as well as authority to decide disputes relating to a contract. The clause at 52.233–1, Disputes, recognizes the ''all disputes'' authority established by the Disputes statute and states certain requirements and limitations of the Disputes statute for the guidance of contractors and contracting agencies. The clause is not intended to affect the rights and obligations of the parties as provided by the Disputes statute or to constrain the authority of the statutory agency BCAs in the handling and deciding of contractor appeals under the Disputes statute.

■ 281. Amend section 33.205 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 ''Disputes 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]

■ 282. Amend section 33.207 by removing from paragraph (e) ''duly''.

33.208 [Amended]

■ 283. Amend section 33.208 by removing from paragraph (b) ''the Act'' and adding ''the Disputes statute'' in its place.

33.210 [Amended]

■ 284. Amend section 33.210 by removing from the introductory text ''the Act'' and adding ''the Disputes statute'' in its place.

33.211 [Amended]

■ 285. Amend 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]

■ 286. Amend 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

■ 287. The authority citation for 48 CFR part 36 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.

36.104 [Amended]

■ 288. Amend section 36.104 by removing from paragraph (a) ''the Brooks Architect-Engineers Act (40 U.S.C. 1101 *et seq.*)'' and ''41 U.S.C. 253m'' and adding ''40 U.S.C. chapter 11, Selection of Architects and Engineers,'' and ''41 U.S.C. 3309'' in their places.

36.300 [Amended]

■ 289. Amend section 36.300 by removing ''41 U.S.C. 253m'' and adding ''41 U.S.C. 3309'' in its place.

PART 37—SERVICE CONTRACTING

■ 290. The authority citation for 48 CFR part 37 continues to read as follows:

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

■ 291. Amend section 37.000 by revising the last sentence to read as follows:

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]

■ 292. Amend section 37.106 by removing from paragraph (b) ''41 U.S.C. 253l'' and adding ''41 U.S.C. 3902'' in its place.

■ 293. Revise section 37.107 to read as follows.

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]

■ 294. Amend section 37.202 by removing from paragraph (b) ''the Brooks Architect-Engineers Act (40 U.S.C. 1102)'' and adding ''40 U.S.C. 1102'' in its place.

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

37.203 Policy.

* * * * *

(d) * * *

(2) 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 31, subchapter IV, 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]

■ 297. Amend section 37.302 by removing from the introductory text ''the Miller Act (40 U.S.C. 3131 *et seq.*)'' and adding ''40 U.S.C. chapter 31, subchapter III, Bonds,'' in its place.

37.401 [Amended]

■ 298. Amend section 37.401 by removing from the introductory text ''41 U.S.C. 253'' and adding ''41 U.S.C. chapter 33, Planning and Solicitation'' in its place.

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]

■ 300. Amend section 38.101 by removing from paragraph (a) ''41 U.S.C. 259(b)(3)(A)'' and adding ''41 U.S.C. 152(3)'' in its place.

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]

■ 302. Amend section 39.103 by removing from paragraph (a) ''Section 5202, Incremental Acquisition of Information Technology, of the Clinger-Cohen Act of 1996 (Public Law 104–106)'' and adding ''41 U.S.C. 2308'' in its place.

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]

■ 304. Amend section 41.101 by removing from the definition ''Utility service'' the words ''Service Contract Act of 1965'' and adding ''41 U.S.C. chapter 67, Service Contract Labor Standards'' in its place.

■ 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(h)'' 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]

■ 309. Amend section 42.705–3 by removing from paragraph (b)(1) ''41 U.S.C. 254a'' and adding ''41 U.S.C. 4708'' in its place.

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]

■ 313. Amend section 42.1601 by removing ''the Contract Disputes Act of 1978 (41 U.S.C. 601–613)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

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]

■ 316. Amend section 44.202–2 by removing from paragraph (a)(4)(ii) ''Javits-Wagner-O'Day Act (41 U.S.C. 48)'' and adding ''41 U.S.C. 8504'' in its place.

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 50—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

■ b. Removing from paragraph (a)(3)(i) ''Government,'' and adding ''Government;'' in its place.

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)(i), 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 clause;
■ 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.

* * * * *

(2) * * *

__ (iii) 52.222–48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification.

__ (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. Removing 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) heading and introductory text ''*American Act''* and ''American Act'' and adding ''*American''* 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'' in their places wherever they appear;
■ g. Removing from paragraph (g)(5)(iii) ''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.
■ j. Amending Alternate I by—
■ i. Revising the date of Alternate I;
■ ii. Removing from paragraph (12), fourth subparagraph ''U.S. Trust Territory of the Pacific Islands (Republic of Palau)'' and adding ''Republic of Palau'' in its place.

The revised text reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (MAY 2014)

* * * * *

Alternate I (MAY 2014). * * *

* * * * *

■ 339. Amend section 52.212–4 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (d) ''the Contract Disputes Act of 1978, as amended (41 U.S.C. 601–613)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place;
■ c. Removing from paragraph (i)(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
■ ii. Removing from paragraph (i)(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.

The revised text reads as follows:

52.212–4 Contract Terms and Conditions—Commercial Items.

* * * * *

Contract Terms and Conditions—Commercial Items (MAY 2014)

* * * * *

(r) *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. chapter 37, Contract Work Hours and Safety Standards; 41 U.S.C. chapter 87, Kickbacks; 41 U.S.C. 4712 and 10 U.S.C. 2409 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. chapter 21 relating to procurement integrity.

* * * * *

Alternate I (MAY 2014). * * *

* * * * *

■ 340. Amend section 52.212–5 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (a)(3) ''(Pub. L. 108–77, 108–78).'' and adding ''(Public Laws 108–77 and 108–78 (19 U.S.C. 3805 note)).'' in its place;
■ c. Removing from paragraph (b)(1) ''(41 U.S.C. 253g'' 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);

■ i. Removing from paragraph (e)(1)(i) ''(Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C. 251 note))'' and adding ''(41 U.S.C. 3509)'' in its place;
■ j. Revising paragraphs (e)(1)(ii), (e)(1)(iii), (e)(1)(viii), (e)(1)(x), (e)(1)(xi), and (e)(1)(xiv);
■ k. Amending Alternate II by—
■ i. Revising the date of the Alternate;
■ ii. Removing from paragraph (e)(1)(ii)(A) ''(Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C. 251 note)'' and adding ''(41 U.S.C. 3509)'' in its place;
■ iii. Revising paragraphs (e)(1)(ii)(C), (e)(1)(ii)(H), (e)(1)(ii)(J), (e)(1)(ii)(K) and (e)(1)(ii)(M).

The revised text reads as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (MAY 2014)

* * * * *

(b) * * *

__ (16) 52.219–8, Utilization of Small Business Concerns (**MAY 2014**) (15 U.S.C. 637(d)(2) and (3).

* * * * *

__ (41) 52.225–1, Buy American—Supplies (**MAY 2014**) (41 U.S.C. chapter 83).

__ (42)(i) 52.225–3, Buy American—Free Trade Agreements—Israeli Trade Act (**MAY 2014**) (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, Pub. L. 103–182, 108–77, 108–78, 108–286, 108–302, 109–53, 109–169, 109–283, 110–138, 112–41, 112–42, and 112–43.

__ (ii) Alternate I (**MAY 2014**) of 52.225–3.

__ (iii) Alternate II (**MAY 2014**) of 52.225–3.

__ (iv) Alternate III (**MAY 2014**) of 52.225–3.

* * * * *

__ (52) 52.232–36, Payment by Third Party (**MAY 2014**) (31 U.S.C. 3332).

* * * * *

(c) * * *

__ (1) 52.222–41, Service Contract Labor Standards (**MAY 2014**) (41 U.S.C. chapter 67).

__ (2) 52.222–42, Statement of Equivalent Rates for Federal Hires (**MAY 2014**) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

__ (3) 52.222–43, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (**MAY 2014**) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

__ (4) 52.222–44, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (**MAY 2014**) (29 U.S.C 206 and 41 U.S.C. chapter 67).

__ (5) 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (**MAY 2014**) (41 U.S.C. chapter 67).

__ (6) 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (**MAY 2014**) (41 U.S.C. chapter 67).

__ (7) 52.222–17, Nondisplacement of Qualified Workers (**MAY 2014**) (E.O. 13495).

__ (8) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations (**MAY 2014**) (42 U.S.C. 1792).

* * * * *

(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.

* * * * *

(viii) 52.222–41, Service Contract Labor Standards (**MAY 2014**) (41 U.S.C. chapter 67).

* * * * *

(x) 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (**MAY 2014**) (41 U.S.C. chapter 67).

(xi) 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (**MAY 2014**) (41 U.S.C. chapter 67).

* * * * *

(xiv) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations (**MAY 2014**) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226–6.

* * * * *

Alternate II (MAY 2014). * * *

* * * * *

(e)(1)(ii) * * *

(C) 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.

* * * * *

(H) 52.222–41, Service Contract Labor Standards (**MAY 2014**) (41 U.S.C. chapter 67).

* * * * *

(J) 52.222–51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (**MAY 2014**) (41 U.S.C. chapter 67).

(K) 52.222–53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (**MAY 2014**) (41 U.S.C. chapter 67).

* * * * *

(M) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations. (**MAY 2014**) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226–6.

* * * * *

■ 341. Amend section 52.213–4 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (a)(1)(vii) ''(Pub. L. 108–77, 108–78)'' and adding ''(Public Laws 108–77 and 108–78 (19 U.S.C. 3805 note))'' in its place;
■ c. Revising paragraphs (a)(2)(vii) and (a)(2)(viii);
■ d. Revising paragraphs (b)(1)(iii), (b)(1)(vii) and (b)(1)(x);
■ e. Redesignating paragraphs (b)(1)(xi) through (b)(1)(xiii) as paragraph (b)(1)(xii) through (b)(1)(xiv) respectively;
■ f. Adding a new paragraph (b)(1)(xi);
■ g. Removing paragraph (b)(2)(iii); and
■ h. Redesignating paragraphs (b)(2)(iv) and (b)(2)(v) as paragraphs (b)(2)(iii) and (b)(2)(iv), respectively.

The revised text reads as follows:

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

* * * * *

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

* * * * *

(a) * * *

(2) * * *

(vii) 52.233–1, Disputes (**MAY 2014**).

(viii) 52.244–6, Subcontracts for Commercial Items (**MAY 2014**).

* * * * *

(b) * * *

(1) * * *

(iii) 52.222–20, 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) 52.222–41, 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 adding ''Standards statute'' in its place; 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)

* * * * *

(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)

* * * * *

■ 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 52.222–32 by—

■ a. Revising the section and clause headings; and

■ b. Removing from paragraph (a) the words ''Davis-Bacon Act'' and adding ''Construction Wage Rate Requirements statute'' in its place; and

■ 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 52.222–41 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 (j) ''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.

* * * * *

(q) * * *

(1) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical or mental deficiency, or injury may be employed at wages lower than the minimum wages otherwise required by 41 U.S.C. 6703(1) without diminishing any fringe benefits or cash payments in lieu thereof required under 41 U.S.C. 6703(2), in accordance with the conditions and procedures prescribed for the employment of apprentices, student-learners, persons with disabilities, and disabled clients of work centers under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator (29 CFR parts 520, 521, 524, and 525).

(2) The Administrator will issue certificates under the statute for the employment of apprentices, student-learners, persons with disabilities, or disabled clients of work centers not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two statutes, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR parts 520, 521, 524, and 525).

* * * * *

■ 360. Amend section 52.222–42 by revising the date of the clause and the introductory text of the clause to read 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.

* * * * *

■ 361. Amend section 52.222–43 by—

■ a. Revising the section and clause headings; and

■ b. Removing from paragraph (c) ''Act of 1965, as amended, (41 U.S.C. 351, *et seq.*)'' and adding ''Labor Standards statute, (41 U.S.C. chapter 67)'' in its place.

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)

* * * * *

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

52.222–44 Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment.

* * * * *

Fair Labor Standards Act And Service Contract Labor Standards—Price Adjustment (MAY 2014)

* * * * *

■ 363. Amend section 52.222–48 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;

■ 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:

52.222–48 Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification.

* * * * *

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 Maintenance, Calibration, or Repair of Certain Equipment—Requirements (MAY 2014)

* * * * *

■ 366. Amend section 52.222–52 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;

■ c. Removing from paragraph (b)(1) ''Act of 1965'' and adding ''Labor Standards'' in its place;

■ d. Removing from paragraphs (b)(2), (c)(1) and (c)(2) ''Contract Act'' and adding ''Contract Labor Standards'' in its place; and

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)

* * * * *

■ 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:

52.222–53 Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements.

* * * * *

Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (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 read 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)).

* * * * *

■ 369. Amend section 52.225–2 by—

■ a. Revising the section and clause headings; and

■ b. Removing from paragraph (a) ''Act''.

The revised text reads as follows:

52.225–2 Buy American Certificate.

* * * * *

Buy American Certificate (MAY 2014)

* * * * *

■ 370. Amend section 52.225–3 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 the first and second sentence of paragraph (c); and removing from paragraph (c) ''American Act-Free'' and adding ''American-Free'' in its place;

■ d. Amending Alternate I by—

■ i. Revising the date of the Alternate;

■ ii. Removing from paragraph (c) ''American Act is'' and ''American Act-Free'' and adding ''American statute is'' and ''American-Free'' in their places, respectively;

■ e. Amending Alternate II by—

■ i. Revising the date of the Alternate;

■ ii. Removing from paragraph (c) ''American Act is'' and ''American Act-Free'' and adding ''American statute is'' and ''American-Free'' in their places, respectively;

■ f. Amending Alternate III by—

■ i. Revising the date of the Alternate; and

■ ii. Removing from paragraph (c) ''American Act is'' and ''American Act-Free'' and adding ''American statute is'' and ''American-Free'' in their places, respectively.

The revised text reads as follows:

52.225–3 Buy American—Free Trade Agreements—Israeli Trade Act.

* * * * *

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

* * * * *

(c) *Delivery of end products.* 41 U.S.C. chapter 83, Buy American statute, 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 paragraph (b) ''American Act—'' and adding ''American—'' in its place;
■ d. Amending Alternate II by—
■ i. Revising the date of the Alternate;
■ ii. Removing from paragraph (b) ''American Act—'' and adding ''American—'' in its place;
■ e. Amending Alternate III by—
■ i. Revising the date of the Alternate; and
■ ii. Removing from paragraph (b) ''American Act—'' and adding ''American—'' in its place.

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; and
■ 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; and
■ 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)

* * * * *

(b) * * *

(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; and
■ ii. Removing from paragraph (b) ''American Act'' and adding ''American statute'' in its place;

The revised text reads as follows:

52.225–10 Notice of Buy American Requirement—Construction Materials.

* * * * *

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 read as follows:

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

* * * * *

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

* * * * *

(b) * * *

(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). * * *

* * * * *

(b) * * *

(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 all the Free Trade Agreements except the Bahrain FTA, NAFTA, and the Oman FTA apply to the this acquisition. Therefore, the Buy American statute restrictions are waived for designated country construction materials other than Bahrainian, Mexican, or Omani construction materials.

* * * * *

■ 377. Amend section 52.225–12 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (a) ''Buy American Act'' and adding ''Buy American'' in its place;
■ c. Removing from paragraph (b) ''Buy American Act'' and adding ''Buy American statute'' in its place (two times);
■ d. Removing from paragraph (c)(1) the words ''Buy American Act'' and adding ''Buy American statute'' in its place; and
■ 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:

52.225–12 Notice of Buy American Requirement—Construction Materials Under Trade Agreements.

* * * * *

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

* * * * *

Alternate I (MAY 2014). * * *

* * * * *

■ 378. Amend section 52.225–21 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (1) of the definition ''Domestic construction material'', in paragraph (a) ''American Act'' and adding ''American statute'' in its place;
■ c. Removing from paragraph (b)(1)(ii) ''The Buy American Act (41 U.S.C. 10a–10d)'' and adding ''41 U.S.C. chapter 83, Buy American,'' in its place;
■ d. Removing from paragraph (b)(4)(iii) ''American Act'' and adding ''American statute'' in its place;
■ e. Removing from the heading of paragraph (c) ''*American Act''* and add ''*American statute''* in its place.
■ f. Removing from paragraphs (c)(2) and (c)(3) ''American Act'' and adding ''American statute'' in its place (three times).

The revised text reads as follows:

52.225–21 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.

* * * * *

Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials (MAY 2014)

* * * * *

■ 379. Amend section 52.225–22 by—
■ a. Revising the section and clause headings;
■ 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:

52.225–22 Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.

* * * * *

Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction 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). * * *

* * * * *

■ 380. Amend section 52.225–23 by—
■ a. Revising the section and clause headings;
■ b. Removing from paragraph (1) of the definition ''Domestic construction material'' in paragraph (a) ''Buy American Act'' and adding ''Buy American statute'' in its place;
■ c. Removing from the introductory text of paragraph (b)(1), paragraphs (b)(1)(ii), and (b)(4)(iii) ''Buy American Act'' and adding ''Buy American statute'' in its place;
■ d. Removing from the heading of paragraph (c) ''*Buy American Act''* and adding ''*Buy American statute''* in its place;
■ e. Removing from paragraph (c)(2) ''Buy American Act'' and adding ''Buy American statute'' in its place; and
■ f. Removing from paragraph (c)(3) ''Buy American Act'' and ''applicable Act'' and adding ''Buy American statute'' and ''applicable statute'' in their places respectively;
■ g. Amend Alternate I by—
■ i. Revising the date of the Alternate; and
■ ii. Removing from the introductory text of paragraph (b)(1) and paragraph (b)(1)(ii) ''Buy American Act'' and adding ''Buy American statute'' in its place.

The revised text reads as follows:

52.225–23 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.

* * * * *

Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements (MAY 2014)

* * * * *

Alternate I (MAY 2014). * * *

* * * * *

■ 381. Amend section 52.225–24 by—
■ a. Revising the section and provision headings;
■ b. Removing from paragraph (a) ''American Act'' and adding ''American statute'' in its place;
■ c. Removing from paragraph (b) ''American Act'' and adding ''American statute'' in its place (two times);
■ d. Removing from introductory text of paragraph (c)(1) ''American Act'' and adding ''American statute'' in its place;
■ e. Amend Alternate I by—
■ 1. Revising the date of the Alternate; and
■ 2. Removing from paragraph (b) ''American Act'' and adding ''American statute'' in its place.

The revised text reads as follows:

52.225–24 Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.

* * * * *

Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements (MAY 2014)

* * * * *

Alternate I (MAY 2014). * * *

* * * * *

■ 382. Amend section 52.226–6 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (b) ''(Pub. L. 110–247)'' and adding ''(42 U.S.C. 1792)'' in its place.

The revised text reads as follows:

52.226–6 Promoting Excess Food Donation to Nonprofit Organizations.

* * * * *

Promoting Excess Food Donation to Nonprofit Organizations (May 2014)

* * * * *

■ 383. Amend section 52.227–11 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (k)(4) ''Contract Disputes Act'' and adding ''Contract Disputes statute'' in its place.

The revised text reads as follows:

52.227–11 Patent Rights—Ownership by the Contractor.

* * * * *

Patent Rights—Ownership by the Contractor (May 2014)

* * * * *

■ 384. Amend section 52.227–14 by—
■ a. Revising the date of the clause;
■ b. Removing from the definition ''Technical data'' in paragraph (a) the words ''databases (See 41 U.S.C. 403(8))'' and adding ''databases. (See 41 U.S.C. 116)'' in its place; and
■ c. Removing from the introductory text of paragraph (e)(1) ''41 U.S.C. 253d'' and adding ''41 U.S.C. 4703'' in its place.

The revised text reads as follows:

52.227–14 Rights in Data—General.

* * * * *

Rights in Data—General (May 2014)

* * * * *

■ 385. Amend section 52.227–20 by revising the date of the clause; and removing from the definition ''Technical data'' in paragraph (a) the words ''41 U.S.C. 403(8)'' and adding ''41 U.S.C. 116'' in their place. The revised text reads as follows:

52.227–20 Rights in Data—SBIR Program.

* * * * *

Rights in Data—SBIR Program (May 2014)

* * * * *

■ 386. Amend section 52.227–21 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (a) ''41 U.S.C. 418a(d)(7)'' and adding ''41 U.S.C. 2302(e)(7)'' in its place.

The revised text reads as follows:

52.227–21 Technical Data Declaration, Revision, and Withholding of Payment—Major Systems.

* * * * *

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

* * * * *

■ 387. Amend section 52.228–12 by revising the date of the clause and the clause to read as follows:

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)

■ 388. Amend section 52.228–14 by—
■ a. Revising the date of the clause; and
■ b. Removing from the introductory text of paragraph (c)(2)(i) and the introductory text of paragraph (c)(2)(ii) ''the Miller Act'' and adding ''40 U.S.C. chapter 31, subchapter III, Bonds'' in its place.

The revised text reads as follows:

52.228–14 Irrevocable Letter of Credit.

* * * * *

Irrevocable Letter of Credit (May 2014)

* * * * *

■ 389. Amend section 52.230–2 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

The revised text reads as follows:

52.230–2 Cost Accounting Standards.

* * * * *

Cost Accounting Standards (May 2014)

* * * * *

■ 390. Amend section 52.230–3 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

The revised text reads as follows:

52.230–3 Disclosure and Consistency of Cost Accounting Practices.

* * * * *

Disclosure and Consistency of Cost Accounting Practices (May 2014)

* * * * *

■ 391. Amend section 52.230–4 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

The revised text reads as follows:

52.230–4 Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns.

* * * * *

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

* * * * *

■ 392. Amend section 52.230–5 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (b) ''the Contract Disputes Act (41 U.S.C. 601)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

The revised text reads as follows:

52.230–5 Cost Accounting Standards—Educational Institution.

* * * * *

Cost Accounting Standards—Educational Institution (May 2014)

* * * * *

■ 393. Amend section 52.232–5 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (h)(3) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place.

The revised text reads as follows:

52.232–5 Payments Under Fixed-Price Construction Contracts.

* * * * *

Payments Under Fixed-Price Construction Contracts (May 2014)

* * * * *

■ 394. Amend section 52.232–17 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (a) ''Section 611 of the Contract Disputes Act of 1978 (Public Law 95–563)'' and adding ''41 U.S.C. 7109'' in its place.

The revised text reads as follows:

52.232–17 Interest.

* * * * *

Interest (May 2014)

* * * * *

■ 395. Amend section 52.232–23 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (a) ''41 U.S.C. 15'' and adding ''41 U.S.C. 6305'' in its place.

The revised text reads as follows:

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 paragraphs (c)(2)(ii) and (e)(4)(ii) ''section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)'' and adding ''41 U.S.C. 7109'' in its place;
■ c. Removing from the introductory text of paragraph (f)(1) ''the Miller Act (40 U.S.C. 3133)'' and adding ''40 U.S.C. 3133'' in its place; and
■ d. Removing from paragraph (f)(2)(ii) ''section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)'' and adding ''41 U.S.C. 7109'' in its place.

The revised text reads as follows:

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
■ b. Removing from the introductory text of paragraph (c) ''41 U.S.C. 255(f)'' and adding ''41 U.S.C. 4505'' in its place.

The revised text reads as follows:

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
■ b. Removing from paragraph (e) '', as amended, 31 U.S.C. 3727, 41 U.S.C. 15'' and adding ''(31 U.S.C. 3727, 41 U.S.C. 6305)'' in its place.

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 ''41 U.S.C. chapter 71'' in its place;
■ c. Removing from paragraph (c) ''the Act'' and adding ''41 U.S.C. chapter 71'' in its place (three times);
■ d. Removing from paragraphs (d)(2)(iii) and (d)(3) ''duly''; and
■ e. Removing from paragraph (f) ''the Act'' and adding ''41 U.S.C. chapter 71'' 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
■ b. Removing from paragraph (a) ''41 U.S.C. 256(e)(2)(A)'' and adding ''41 U.S.C. 4304(b)(1)'' in its place.

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;
■ b. Removing from paragraph (b) ''41 U.S.C. 256'' and adding ''41 U.S.C. chapter 43'' in its place; and
■ c. Removing from paragraph (f) ''the Contract Disputes Act of 1978 (41 U.S.C. 601, *et seq.*)'' and adding ''41 U.S.C. chapter 71, Contract Disputes'' in its place.

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 (41 U.S.C. 251 note))'' and adding ''(41 U.S.C. 3509)'' 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)

* * * * *

(c)(1) * * *

(iii) 52.219–8, Utilization of Small Business Concerns (May 2014) (15 U.S.C. 637(d)(2) and (3)), if the subcontract offers 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.

* * * * *

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 22.406–9(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

PERFORMANCE BOND
(See instructions on reverse)

DATE BOND EXECUTED *(Must be same or later than date of contract)*

OMB Number: 9000-0045
Expiration Date: 6/30/2016

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 (MVCB)/IC 9000-0045, Office of Governmentwide Acquisition Policy,1800 F Street, NW, Washington, DC 20405.

PRINCIPAL *(Legal name and business address)*

TYPE OF ORGANIZATION ("X" one)

☐ INDIVIDUAL ☐ PARTNERSHIP
☐ JOINT VENTURE ☐ CORPORATION

STATE OF INCORPORATION

SURETY(IES) *(Name(s) and business address(es)*

PENAL SUM OF BOND

MILLION(S)	THOUSANDS	HUNDRED(S)	CENTS

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 of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS

The Principal has entered into the contract identified above.

THEREFORE

The above obligation is void if the Principal-

(a)(1) Performs and fulfills all the undertaking, covenants, terms, conditions, and agreements of the contract during the original term of the contract and any extensions thereof that are granted by the Government, with or without notice of the Surety(ies) and during the life of any guaranty required under the contract, and (2) performs and fulfills all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of the contract that hereafter are made. Notice of those modifications to the Surety(ies) are waived.

(b) Pays to the Government the full amount of the taxes imposed by the Government, if the said contract is subject to 41 U.S.C. Chapter 31, Subchapter III, Bonds, which are collected, deducted, or withheld from wages paid by the Principal in carrying out the construction contract with respect to which this bond is furnished.

WITNESS

The Principal and Surety(ies) executed this performance bond and affixed their seals on the above date.

PRINCIPAL

SIGNATURE(S)	1. (Seal)	2. (Seal)	3. (Seal)	Corporate Seal
NAME(S) & TITLE(S) *(Typed)*	1.	2.	3.	

INDIVIDUAL SURETY(IES)

SIGNATURE(S)	1. (Seal)	2. (Seal)
NAME(S) *(Typed)*	1.	2.

CORPORATE SURETY(IES)

SURETY A	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		

AUTHORIZED FOR LOCAL REPRODUCTION
Previous edition not usable

STANDARD FORM 25 (REV. 3/2013)
Prescribed by GSA-FAR (48 CFR) 53.228 (b)

CORPORATE SURETY(IES) ***(Continued)***

SURETY B	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY C	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY D	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY E	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY F	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY G	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT ($)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		

BOND PREMIUM ▶	RATE PER THOUSAND ($)	TOTAL ($)

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.

STANDARD FORM 25 (REV. 3/2013) **BACK**

■ 411. Revise section 53.301–25A to read as follows:

53.301–25A Payment Bond.

PAYMENT BOND (See instructions on reverse)	DATE BOND EXECUTED (Must be same or later than date of contract)	OMB Number: 9000-0045 Expiration Date: 6/30/2016

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 (MVCB)/IC 9000-0045, Office of Governmentwide Acquisition Policy,1800 F Street, NW, Washington, DC 20405.

PRINCIPAL (Legal name and business address)	TYPE OF ORGANIZATION ("X" one) ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ JOINT VENTURE ☐ CORPORATION STATE OF INCORPORATION
SURETY(IES) (Name(s) and business address(es)	PENAL SUM OF BOND: MILLION(S) / THOUSAND(S) / HUNDRED(S) / CENTS 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				
SIGNATURE(S)	1. (Seal)	2. (Seal)	3. (Seal)	Corporate Seal
NAME(S) & TITLE(S) (Typed)	1.	2.	3.	

INDIVIDUAL SURETY(IES)		
SIGNATURE(S)	1. (Seal)	2. (Seal)
NAME(S) (Typed)	1.	2.

CORPORATE SURETY(IES)					
SURETY A	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) (Typed)	1.	2.		

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Previous edition is usable

STANDARD FORM 25A (REV. 3/2013)
Prescribed by GSA-FAR (48 CFR) 53.2228(c)

CORPORATE SURETY(IES) ***(Continued)***

SURETY B	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY C	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY D	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY E	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY F	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		
SURETY G	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT $	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) *(Typed)*	1.	2.		

INSTRUCTIONS

1. This form, for the protection of persons supplying labor and material, is used when a payment bond is required under 40 U.S.C. Chapter 31, Subchapter III, Bonds. 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.

STANDARD FORM 25A (REV. 3/2013) **BACK**

■ 412. Revise section 53.301–26 to read as follows:

53.301–26 Award/Contract.

AWARD/CONTRACT

1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) ▶ RATING | PAGE OF PAGES

2. CONTRACT *(Proc. Inst. Ident.)* NO. | 3. EFFECTIVE DATE | 4. REQUISITION/PURCHASE REQUEST/PROJECT NO.

5. ISSUED BY CODE | 6. ADMINISTERED BY *(If other than Item 5)* CODE

7. NAME AND ADDRESS OF CONTRACTOR *(No., street, county, State and ZIP Code)*

8. DELIVERY ☐ FOB ORIGIN ☐ OTHER *(See below)*

9. DISCOUNT FOR PROMPT PAYMENT

10. SUBMIT INVOICES *(4 copies unless otherwise specified)* TO THE ADDRESS SHOWN IN ▶ ITEM

CODE | FACILITY CODE

11. SHIP TO/MARK FOR CODE | 12. PAYMENT WILL BE MADE BY CODE

13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: ☐ 10 U.S.C. 2304(c)( ) ☐ 41 U.S.C. 3304(a)( )

14. ACCOUNTING AND APPROPRIATION DATA

15A. ITEM NO.	15B. SUPPLIES/SERVICES	15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT

15G. TOTAL AMOUNT OF CONTRACT ▶ $

16. TABLE OF CONTENTS

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		PART I - THE SCHEDULE				PART II - CONTRACT CLAUSES	
	A	SOLICITATION/CONTRACT FORM			I	CONTRACT CLAUSES	
	B	SUPPLIES OR SERVICES AND PRICES/COSTS				PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH.	
	C	DESCRIPTION/SPECS./WORK STATEMENT			J	LIST OF ATTACHMENTS	
	D	PACKAGING AND MARKING				PART IV - REPRESENTATIONS AND INSTRUCTIONS	
	E	INSPECTION AND ACCEPTANCE			K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
	F	DELIVERIES OR PERFORMANCE					
	G	CONTRACT ADMINISTRATION DATA			L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
	H	SPECIAL CONTRACT REQUIREMENTS			M	EVALUATION FACTORS FOR AWARD	

CONTRACTING OFFICER WILL COMPLETE ITEM 17 (SEALED-BID OR NEGOTIATED PROCUREMENT) OR 18 (SEALED-BID PROCUREMENT) AS APPLICABLE

17. ☐ CONTRACTOR'S NEGOTIATED AGREEMENT *(Contractor is required to sign this document and return _____ copies to issuing office.)* Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. *(Attachments are listed herein.)*

18. ☐ SEALED-BID AWARD *(Contractor is not required to sign this document.)* Your bid on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the terms listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your bid, and (b) this award/contract. No further contractual document is necessary. (Block 18 should be checked only when awarding a sealed-bid contract.)

19A. NAME AND TITLE OF SIGNER *(Type or Print)*

20A. NAME OF CONTRACTING OFFICER

19B. NAME OF CONTRACTOR | 19C. DATE SIGNED

BY _____ *(Signature of person authorized to sign)*

20B. UNITED STATES OF AMERICA | 20C. DATE SIGNED

BY _____ *(Signature of Contracting Officer)*

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STANDARD FORM 26 (REV. 3/2013)
Prescribed by GSA - FAR (48 CFR) 53.214(a)

■ 413. Revise section 53.301–273 to read as follows:

53.301–273 Reinsurance Agreement for a Bonds Statute Performance Bond.

REINSURANCE AGREEMENT FOR A BONDS STATUTE PERFORMANCE BOND

(See instructions on reverse)

OMB Number: 9000-0045
Expiration Date: 6/30/2016

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 (MVCB)/IC 9000-0045, Office of Governmentwide Acquisition Policy,1800 F Street, NW, Washington, DC 20405.

1. DIRECT WRITING COMPANY*	1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE ($)
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF CONTRACT		4. DESCRIPTION OF BOND	
3A. AMOUNT OF CONTRACT		4A. PENAL SUM OF BOND	
3B. CONTRACT DATE	3C. CONTRACT NO.	4B. DATE OF BOND	4C. BOND NO.
3D. DESCRIPTION OF CONTRACT		4D. PRINCIPAL*	
3E. CONTRACTING AGENCY		4E. STATE OF INCORPORATION *(If Corporate Principal)*	

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"), 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 performance bond.

(b) For a 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 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.

*Items 1, 2, 4D - Furnish legal name, business address and ZIP Code. (Over)

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STANDARD FORM 273 (REV. 4-2013)
Prescribed by GSA - FAR (48 CFR) 53.228(h)

5. DIRECT WRITING COMPANY		
5A(1) SIGNATURE	(2) ATTEST: SIGNATURE	Corporate Seal
5B(1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	
6. REINSURING COMPANY		
6A (1) SIGNATURE	(2) ATTEST: SIGNATURE	Corporate Seal
6B(1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	

INSTRUCTIONS

This form is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of co-insurance on Bonds Statute performance bonds running to the United States. See FAR (48 CFR) 28.202-1 and 53.228(h).

Execute and file this form as follows:

Original and copies (as specified by the bond-approving officer), signed and sealed, shall accompany the bond or be filed within the time period shown in the bid or proposal.

One copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filed with the Department of the Treasury.

Other copies may be prepared for the use of the Direct Writing Company and Reinsuring Company. Each Reinsuring Company should use a separate form.

STANDARD FORM 273 (REV. 4/2013) BACK

■ 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

(See instruction on reverse)

OMB Control Number: 9000-0045
Expiration Date: 6/30/2016

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 (MVCB)/IC 9000-0045, Office of Governmentwide Acquisition Policy,1800 F Street, NW, Washington, DC 20405.

1. DIRECT WRITING COMPANY*	1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE $
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF CONTRACT		4. DESCRIPTION OF BOND	
3A. AMOUNT OF CONTRACT		4A. PENAL SUM OF BOND	
3B. CONTRACT DATE	3C. CONTRACT NO.	4B. DATE OF BOND	4C. BOND NO.
3D. DESCRIPTION OF CONTRACT		4D. PRINCIPAL*	
3E. CONTRACTING AGENCY		4E. STATE OF INCORPORATION *(If Corporate Principal)*	

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 a 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 relation 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 the "laborers and materialmen" any default under the payment bond less than the "Amount of this Reinsurance."

*Items 1, 2 ,4D - furnished legal name, business address and ZIP Code. *(Over)*

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STANDARD FORM 274 (REV. 4-2013)
Prescribed by GSA - FAR (48 CFR) 53.228(i)

2. The Reinsuring Company and the Direct Writing Company covenant and agree that, in the case of default on the payment bond for the "Amount of this Reinsurance," or more, the persons given a "right of action" or a "right to sue" on the payment bond by 40 U.S.C. 3133 may bring suit against the Reinsuring Company in the United States District Court for the district in which the contract described above is to be performed and executed for the "Amount of this Reinsurance" or, if the amount of the default is for less than the "Amount of this Reinsurance," for whatever the full amount of the default may be. The Reinsuring Company further covenants and agrees to comply with all requirements necessary to give such court jurisdiction, and to consent to determination of matters arising under this Reinsurance Agreement in accordance with the law and practice of the court. It is expressly understood by the parties that the rights, powers, and privileges given in this paragraph to persons are in addition to or supplemental to or in accordance with other rights, powers, and privileges which they might have under the statutes of the United States, any States, or the other laws of either, and should not be construed as limitations.

3. The Reinsuring Company and the Direct Writing Company further covenant and agree that the Reinsuring Company designates the process agent, appointed by the Direct Writing Company in the district in which the contract is to be performed and executed, as an agent to accept service of process in any suit instituted on this Reinsurance Agreement, and that the process agent shall send, by registered mail, to the Reinsuring Company at its principal place of business shown above, a copy of the process.

4. The Reinsuring Company and the Direct Writing Company further covenant and agree that this Reinsurance Agreement is an integral part of the payment bond.

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 the power to sign this instrument, and to be duly attested to by officers empowered thereto, on the day and date in Item 1A written opposite their respective names.

5. DIRECT WRITING COMPANY		
5A. (1) SIGNATURE	(2) ATTEST SIGNATURE	*Corporate Seal*
5B. (1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	

6. REINSURING COMPANY		
6A. (1) SIGNATURE	(2) ATTEST SIGNATURE	*Corporate Seal*
6B. (1) NAME AND TITLE *(Typed)*	(2) NAME AND TITLE *(Typed)*	

INSTRUCTIONS

This form is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of co-insurance on Bonds Statute payment bonds running to the United States. See FAR (48 CFR) 28.202-1 and 53.228(i).

Execute and file this form as follows:

Original and copies (as specified by the bond-approving officer), signed and sealed, shall accompany the bond or be filed within the time period shown in bid or proposal.

One copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filled with the Department of Treasury.

Other copies may be prepared for the use of the Direct Writing Company and Reinsuring Company. Each Reinsuring Company should use a separate form.

STANDARD FORM 274 (REV. 4-2013) **BACK**

■ 415. Revise section 53.301–308 to read as follows:

53.301–308 Request For wage Determination and Response to Request.

Request For Wage Determination And Response To Request
(Construction Wage Rate Requirements Statute and Related Statutes)

U.S. Department of Labor
Wage and Hour Division

FOR DEPARTMENT OF LABOR USE

Response To Request

☐ Use area determination issued for this area

_____

_____

☐ The attached decision noted below is applicable to this project

Decision Number

Date of Decision

Expires

Supersedes Decision Number

Approved

Mail Your Request To:
U.S. Department of Labor
Wage and Hour Division
Branch of Construction Contract Wage Determinations
Washington, D.C. 20210

Requesting Officer (Typed name and signature)

Department, Agency, or Bureau | Phone Number

Date of Request | Estimated Advertising Date | Estimated Bid Opening Date

Prior Decision Number (if any) | Estimated $ Value of Contract: ☐ Under 1/2 Mil ☐ 1 to 5 Mil ☐ 1/2 to 1 Mil ☐ Over 5 Mil | Type of Work: ☐ Bldg. ☐ Highway ☐ Resid. ☐ Heavy

Address to which wage determination should be mailed. (Print or type)

Location of Project (City, County, State, Zip Code)

Description of Work (Be specific) (Print or type)

CHECK OR LIST CRAFTS NEEDED
(Attach continuation sheet if needed)

____ Asbestos workers
____ Boilermakers
____ Bricklayers
____ Carpenters
____ Cement masons
____ Electricians
____ Glaziers
____ Ironworkers
____ Laborers (Specify classes)
____ _____
____ _____
____ _____
____ Lathers
____ Marble & tile setters, terrazzo workers
____ Painters
____ Piledrivermen
____ Plasterers
____ Plumbers
____ Roofers
____ Sheet metal workers
____ Soft floor layers
____ Steamfitters
____ Welders-rate for craft
____ Truck drivers
____ Power equipment operators (Specify types)
____ _____
____ _____
____ _____
____ _____
____ _____
____ _____

Other Crafts
____ _____
____ _____
____ _____
____ _____

Standard Form 308 (Rev. 2/2013)
U.S. Department of Labor -29 CFR Part 1

■ 416. Revise section 53.301–330 to read as follows:

53.301–330 Architect-Engineer Qualifications.

ARCHITECT-ENGINEER QUALIFICATIONS

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

PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average 29 hours (25 hours for part 1 and 4 hours for Part 2) 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 (MVCB)/IC 9000-0157, Office of Governmentwide Acquisition Policy,1800 F Street, NW, Washington, DC 20405.

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.

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:

12. Name. Self-explanatory.

13. Role in This Contract. Self-explanatory.

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. For an indefinite delivery contract, the location is 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 29) and for each key person, place an "X" under the project key number for participation in the same or similar role.

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. Signing 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.

SAMPLE ENTRIES FOR SECTION G (MATRIX)

26. NAMES OF KEY PERSONNEL (From Section E, Block 12)	27. ROLE IN THIS CONTRACT (From Section E, Block 13)	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.)									
		1	2	3	4	5	6	7	8	9	10
Jane A. Smith	Chief Architect	X		X							
Joseph B. Williams	Chief Mech. Engineer	X	X	X	X						
Tara C. Donovan	Chief Elec. Engineer	X	X		X						

29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1	Federal Courthouse, Denver, CO	6	XY% Corporation Headquarters, Boston, MA
2	Justin J. Wilson Federal Building, Baton Rouge, LA	7	Founder's Museum, Newport RI

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.

List of Disciplines (Function Codes)

Code	Description	Code	Description
01	Acoustical Engineer	32	Hydraulic Engineer
02	Administrative	33	Hydrographic Surveyor
03	Aerial Photographer	34	Hydrologist
04	Aeronautical Engineer	35	Industrial Engineer
05	Archeologist	36	Industrial Hygienist
06	Architect	37	Interior Designer
07	Biologist	38	Land Surveyor
08	CADD Technician	39	Landscape Architect
09	Cartographer	40	Materials Engineer
10	Chemical Engineer	41	Materials Handling Engineer
11	Chemist	42	Mechanical Engineer
12	Civil Engineer	43	Mining Engineer
13	Communications Engineer	44	Oceanographer
14	Computer Programmer	45	Photo Interpreter
15	Construction Inspector	46	Photogrammetrist
16	Construction Manager	47	Planner: Urban/Regional
17	Corrosion Engineer	48	Project Manager
18	Cost Engineer/Estimator	49	Remote Sensing Specialist
19	Ecologist	50	Risk Assessor
20	Economist	51	Safety/Occupational Health Engineer
21	Electrical Engineer	52	Sanitary Engineer
22	Electronics Engineer	53	Scheduler
23	Environmental Engineer	54	Security Specialist
24	Environmental Scientist	55	Soils Engineer
25	Fire Protection Engineer	56	Specifications Writer
26	Forensic Engineer	57	Structural Engineer
27	Foundation/Geotechnical Engineer	58	Technician/Analyst
28	Geodetic Surveyor	59	Toxicologist
29	Geographic Information System Specialist	60	Transportation Engineer
30	Geologist	61	Value Engineer
31	Health Facility Planner	62	Water Resources Engineer

List of Experience Categories (Profile Codes)

Code	Description
A01	Acoustics, Noise Abatement
A02	Aerial Photography; Airborne Data and Imagery Collection and Analysis
A03	Agricultural Development; Grain Storage; Farm Mechanization
A04	Air Pollution Control
A05	Airports; Navaids; Airport Lighting; Aircraft Fueling
A06	Airports; Terminals and Hangars; Freight Handling
A07	Arctic Facilities
A08	Animal Facilities
A09	Anti-Terrorism/Force Protection
A10	Asbestos Abatement
A11	Auditoriums & Theaters
A12	Automation; Controls; Instrumentation
B01	Barracks; Dormitories
B02	Bridges
C01	Cartography
C02	Cemeteries *(Planning & Relocation)*
C03	Charting: Nautical and Aeronautical
C04	Chemical Processing & Storage
C05	Child Care/Development Facilities
C06	Churches; Chapels
C07	Coastal Engineering
C08	Codes; Standards; Ordinances
C09	Cold Storage; Refrigeration and Fast Freeze
C10	Commercial Building *(low rise)* ; Shopping Centers
C11	Community Facilities
C12	Communications Systems; TV; Microwave
C13	Computer Facilities; Computer Service
C14	Conservation and Resource Management
C15	Construction Management
C16	Construction Surveying
C17	Corrosion Control Cathodic Protection Electrolysis
C18	Cost Estimating; Cost Engineering and Analysis; Parametric Costing; Forecasting
C19	Cryogenic Facilities
D01	Dams *(Concrete; Arch)*
D02	Dams *(Earth; Rock)*, Dikes; Levees
D03	Desalinization *(Process & Facilities)*
D04	Design-Build - Preparation of Requests for Proposals
D05	Digital Elevation and Terrain Model Development
D06	Digital Orthophotography
D07	Dining Halls; Clubs; Restaurants
D08	Dredging Studies and Design
E01	Ecological & Archeological Investigations
E02	Educational Facilities Classrooms
E03	Electrical Studies and Design
E04	Electronics
E05	Elevators Escalators; People-Movers
E06	Embassies and Chanceries
E07	Energy Conservation; New Energy Sources
E08	Engineering Economics
E09	Environmental Impact Studies, Assessments or Statements
E10	Environmental and Natural Resource Mapping
E11	Environmental Planning
E12	Environmental Remediation
E13	Environmental Testing and Analysis
F01	Fallout Shelters; Blast-Resistant Design
F02	Field Houses; Gyms; Stadiums
F03	Fire Protection
F04	Fisheries; Fish ladders
F05	Forensic Engineering
F06	Forestry & Forest products
G01	Garages; Vehicle Maintenance Facilities Parking Decks
G02	Gas Systems (Propane; Natural, Etc.)
G03	Geodetic Surveying: Ground and Air-borne
G04	Geographic Information System Services; Development, Analysis, and Data Collection
G05	Geospatial Data Conversion: Scanning, Digitizing, Compilation, Attributing, Scribing, Drafting
G06	Graphic Design
H01	Harbors Jetties Piers Ship Terminal Facilities
H02	Hazardous Materials Handling and Storage
H03	Hazardous Toxic, Radioactive Waste Remediation
H04	Heating; Ventilating; Air Conditioning
H05	Health Systems Planning
H06	Highrise; Air-Rights-Type Buildings
H07	Highways; Streets; Airfield Paving; Parking Lots
H08	Historical Preservation
H09	Hospital & Medical Facilities
H10	Hotels; Motels
H11	Housing *(Residential, Multi-Family Apartments; Condominiums)*
H12	Hydraulics & Pneumatics
H13	Hydrographic Surveying

List of Experience Categories (Profile Codes)

Code	Description
I01	Industrial Buildings; Manufacturing Plants
I02	Industrial Processes; Quality Control
I03	Industrial Waste Treatment
I04	Intelligent Transportation Systems
I05	Interior Design; Space Planning
I06	Irrigation; Drainage
J01	Judicial and Courtroom Facilities
L01	Laboratories; Medical Research Facilities
L02	Land Surveying
L03	Landscape Architecture
L04	Libraries; Museums; Galleries
L05	Lighting (Interior; Display; Theater, Etc.)
L06	Lighting (Exteriors; Streets; Memorials; Athletic Fields, Etc.)
M01	Mapping Location/Addressing Systems
M02	Materials Handling Systems; Conveyors; Sorters
M03	Metallurgy
M04	Microclimatology; Tropical Engineering
M05	Military Design Standards
M06	Mining & Mineralogy
M07	Missile Facilities (Silos; Fuels; Transport)
M08	Modular Systems Design; Pre-Fabricated Structures or Components
N01	Naval Architecture; Off-Shore Platforms
N02	Navigation Structures; Locks
N03	Nuclear Facilities; Nuclear Shielding
O01	Office Buildings; Industrial Parks
O02	Oceanographic Engineering
O03	Ordnance; Munitions; Special Weapons
P01	Petroleum Exploration; Refining
P02	Petroleum and Fuel (Storage and Distribution)
P03	Photogrammetry
P04	Pipelines (Cross-Country - Liquid & Gas)
P05	Planning (Community, Regional, Areawide and State)
P06	Planning (Site, Installation, and Project)
P07	Plumbing & Piping Design
P08	Prisons & Correctional Facilities
P09	Product, Machine Equipment Design
P10	Pneumatic Structures, Air-Support Buildings
P11	Postal Facilities
P12	Power Generation, Transmission, Distribution
P13	Public Safety Facilities
R01	Radar; Sonar; Radio & Radar Telescopes
R02	Radio Frequency Systems & Shieldings
R03	Railroad; Rapid Transit
R04	Recreation Facilities (Parks, Marinas, Etc.)
R05	Refrigeration Plants/Systems
R06	Rehabilitation (Buildings; Structures; Facilities)
R07	Remote Sensing
R08	Research Facilities
R09	Resources Recovery; Recycling
R10	Risk Analysis
R11	Rivers, Canals; Waterways; Flood Control
R12	Roofing
S01	Safety Engineering; Accident Studies; OSHA Studies
S02	Security Systems; Intruder & Smoke Detection
S03	Seismic Designs & Studies
S04	Sewage Collection, Treatment and Disposal
S05	Soils & Geologic Studies; Foundations
S06	Solar Energy Utilization
S07	Solid Wastes; Incineration; Landfill
S08	Special Environments; Clean Rooms, Etc.
S09	Structural Design; Special Structures
S10	Surveying; Platting; Mapping; Flood Plain Studies
S11	Sustainable Design
S12	Swimming Pools
S13	Storm Water Handling & Facilities
T01	Telephone Systems *(Rural; Mobile; Intercom, Etc.)*
T02	Testing & Inspection Services
T03	Traffic & Transportation Engineering
T04	Topographic Surveying and Mapping
T05	Towers *(Self-Supporting & Guyed Systems)*
T06	Tunnels & Subways

List of Experience Categories (Profile Codes)

Code	Description
U01	Unexploded Ordnance Remediation
U02	Urban Renewals; Community Development
U03	Utilities (Gas and Steam)
V01	Value Analysis; Life-Cycle Costing
W01	Warehouses & Depots
W02	Water Resources; Hydrology; Ground Water
W03	Water Supply; Treatment and Distribution
W04	Wind Tunnels: Research/Testing Facilities Design
Z01	Zoning; Land Use Studies

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. E-MAIL ADDRESS

C. PROPOSED TEAM

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

	(Check) PRIME	JV PARTNER	SUBCON-TRACTOR	9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
a.				☐ CHECK IF BRANCH OFFICE		
b.				☐ CHECK IF BRANCH OFFICE		
c.				☐ CHECK IF BRANCH OFFICE		
d.				☐ CHECK IF BRANCH OFFICE		
e.				☐ CHECK IF BRANCH OFFICE		
f.				☐ CHECK IF BRANCH OFFICE		

D. ORGANIZATIONAL CHART OF PROPOSED TEAM ☐ *(Attached)*

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

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME	13. ROLE IN THIS CONTRACT	14. YEARS EXPERIENCE	
		a. TOTAL	b. WITH CURRENT FIRM

15. FIRM NAME AND LOCATION *(City and State)*

16. EDUCATION *(DEGREE AND SPECIALIZATION)*	17. CURRENT PROFESSIONAL REGISTRATION *(STATE AND DISCIPLINE)*

18. OTHER PROFESSIONAL QUALIFICATIONS *(Publications, Organizations, Training, Awards, etc.)*

19. RELEVANT PROJECTS

	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
a.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
b.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
c.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
d.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	
	(1) TITLE AND LOCATION *(City and State)*	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*
e.	(3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE	☐ Check if project performed with current firm	

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 F for each project.)*			20. EXAMPLE PROJECT KEY NUMBER
21. TITLE AND LOCATION *(City and State)*	22. YEAR COMPLETED		
	PROFESSIONAL SERVICES	CONSTRUCTION *(If applicable)*	

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

	(1) FIRM NAME	(2) FIRM LOCATION *(City and State)*	(3) ROLE
a.			
b.			
c.			
d.			
e.			
f.			

STANDARD FORM 330 (REV. 3/2013) PAGE 3

G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

26. NAMES OF KEY PERSONNEL (From Section E, Block 12)	27. ROLE IN THIS CONTRACT (From Section E, Block 13)	28. EXAMPLE PROJECTS LISTED IN SECTION F (Fill in "Example Projects Key" section below before completing table. Place "X" under project key number for participation in same or similar role.)									
		1	2	3	4	5	6	7	8	9	10

29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1		6	
2		7	
3		8	
4		9	
5		10	

H. ADDITIONAL INFORMATION

30. 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

ARCHITECT-ENGINEER QUALIFICATIONS

1. SOLICITATION NUMBER *(If any)*

PART II - GENERAL QUALIFICATIONS

(If a firm has branch offices, complete for each specific branch office seeking work.)

2a. FIRM (OR BRANCH OFFICE) NAME

3. YEAR ESTABLISHED

4. DUNS NUMBER

2b. STREET

5. OWNERSHIP

a. TYPE

2c. CITY

2d. STATE

2e. ZIP CODE

b. SMALL BUSINESS STATUS

6a. POINT OF CONTACT NAME AND TITLE

7. NAME OF FIRM *(If block 2a is a branch office)*

6b. TELEPHONE NUMBER

6c. E-MAIL ADDRESS

8a. FORMER FIRM NAME(S) *(If any)*

8b. YR. ESTABLISHED

8c. DUNS NUMBER

9. EMPLOYEES BY DISCIPLINE				10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS		
a. Function Code	b. Discipline	c. No. of Employees (1) FIRM	c. No. of Employees (2) BRANCH	a. Profile Code	b. Experience	c. Revenue Index Number (see below)
	Other Employees					
	Total					

11. ANNUAL AVERAGE PROFESSIONAL SERVICES REVENUES OF FIRM FOR LAST 3 YEARS
(Insert revenue index number shown at right)

a. Federal Work	
b. Non-Federal Work	
c. Total Work	

PROFESSIONAL SERVICES REVENUE INDEX NUMBER

1. Less than $100,000
2. $100,00 to less than $250,000
3. $250,000 to less than $500,000
4. $500,000 to less than $1 million
5. $1 million to less than $2 million
6. $2 million to less than $5 million
7. $5 million to less than $10 million
8. $10 million to less than $25 million
9. $25 million to less than $50 million
10. $50 million or greater

12. AUTHORIZED REPRESENTATIVE
The foregoing is a statement of facts.

a. SIGNATURE

b. DATE

c. NAME AND TITLE

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STANDARD FORM 330 (REV. 3/2013) PAGE 6

■ 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).

SCHEDULE OF WITHHOLDINGS UNDER THE CONSTRUCTION WAGE RATE REQUIREMENTS STATUTE (40 U.S.C. CHAPTER 31, SUBCHAPTER IV, §3144)

AND/OR

THE CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE (40 U.S.C. CHAPTER 37, §3703)

U.S. GOVERNMENT ACCOUNTABILITY OFFICE
Office of General Counsel
Davis-Bacon Group
WASHINGTON, DC 20548

Contractor or subcontractor charged with violations _____

Prime contractor _____

Contract No. _____ _____
(Date)

Report concerning irregularities transmitted to--

_____ _____
(Date)

Deducted from amounts otherwise due the contractor, for deposit to the account "05X6022," covering wages due the employees whose names, social security numbers, and current addresses are listed on the attached schedule, are withholdings pursuant to the following laws:

Construction Wage Rate Requirements Statute _____ $ _____

Contract Work Hours and Safety Standards Statute _____ $ _____

Total _____ $ _____

Forwarded herewith is check No. _____, dated _____

for $ _____

_____
(Disbursing officer or other administrative official)

STANDARD FORM 1093 (REV. 2/2013)

■ 418. Revise section 53.301–1413 to read as follows:

53.301–1413 Statement and Acknowledgement.

STATEMENT AND ACKNOWLEDGMENT

OMB No.: 9000-0014
Expires: 6/30/2014

PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average .05 hours 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 (MVCB)/IC 9000-0014, Office of Governmentwide Acquisition Policy,1800 F Street, NW, Washington, DC 20405.

PART I - STATEMENT OF PRIME CONTRACTOR

1. PRIME CONTRACT NO.	2. DATE SUBCONTRACT AWARDED	3. SUBCONTRACT NUMBER

4. PRIME CONTRACTOR			5. SUBCONTRACTOR		
a. NAME			a. NAME		
b. STREET ADDRESS			b. STREET ADDRESS		
c. CITY	d. STATE	e. ZIP CODE	c. CITY	d. STATE	e. ZIP CODE

6. The prime contract ☐ does, ☐ does not contain the clause entitled "Contract Work Hours and Safety Standards Act -- Overtime Compensation."

7. The prime contractor states that under the contract shown in Item 1, a subcontract was awarded on the date shown in Item 2 to the subcontractor identified in item 5 by the following firm:

a. NAME OF AWARDING FIRM

b. DESCRIPTION OF WORK BY SUBCONTRACTOR

8. PROJECT	9. LOCATION

10a. NAME OF PERSON SIGNING	11. BY *(Signature)*	12. DATE SIGNED
10b. TITLE OF PERSON SIGNING		

PART II - ACKNOWLEDGMENT OF SUBCONTRACTOR

13. The subcontractor acknowledges that the following clauses of the contract shown in Item 1 are included in this subcontract:

- Contract Work Hours and Safety Standards Act - Overtime Compensation (If included in prime contract see Block 6)
- Payrolls and Basic Records
- Withholding of Funds
- Disputes Concerning Labor Standards
- Compliance with Construction Wage Rate Requirements and Related Regulations
- Construction Wage Rate Requirements
- Apprentices and Trainees
- Compliance with Copeland Act Requirements
- Subcontracts (Labor Standards)
- Contract Termination - Debarment
- Certification of Eligibility

14. NAME(S) OF ANY INTERMEDIATE SUBCONTRACTORS, IF ANY

A		C	
B		D	

15a. NAME OF PERSON SIGNING	16. BY *(Signature)*	17. DATE SIGNED
15b. TITLE OF PERSON SIGNING		

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PREVIOUS EDITION IS NOT USABLE

STANDARD FORM 1413 (REV. 4/2013)
Prescribed by GSA/FAR (48 CFR) 53.222(e)

■ 419. Revise section 53.301–1444 to read as follows:

53.301–1444 Request for Authorization of Additional Classification and Rate.

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REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE	CHECK APPROPRIATE BOX ☐ SERVICE CONTRACT ☐ CONSTRUCTION CONTRACT	OMB Number: 9000-0089 Expiration Date: 7/31/2014

PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average .5 hours 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 (MVCB)/IC 9000-0089, Office of Governmentwide Acquisition Policy, 1800 F Street, NW, Washington, DC 20405.

INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPLICATE, TO THE CONTRACTING OFFICER.

1. **TO:** ADMINISTRATOR, WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, D.C. 20210	2. **FROM:** *(REPORTING OFFICE)*

3. CONTRACTOR	4. DATE OF REQUEST

5. CONTRACT NUMBER	6. DATE BID OPENED *(SEALED BIDDING)*	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF *APPLICABLE) (SERVICE CONTRACT ONLY)*

10. SUBCONTRACTOR *(IF ANY)*

11. PROJECT AND DESCRIPTION OF WORK *(ATTACH ADDITIONAL SHEET IF NEEDED)*

12. LOCATION *(CITY, COUNTY AND STATE)*

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION

NUMBER: _____ DATED: _____

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS *(Service contracts only)* *(Use reverse or attach additional sheets, if necessary)*	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE *(IF ANY)*	15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE	
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE	TITLE	CHECK APPROPRIATE BOX REFERENCING BLOCK 13. ☐ AGREE ☐ DISAGREE

TO BE COMPLETED BY CONTRACTING OFFICER *(CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))*

☐ THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

☐ THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

(Send 3 copies to the Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NUMBER	DATE SUBMITTED

PREVIOUS EDITION IS USABLE

STANDARD FORM 1444 (REV. 4/2013)
Prescribed by GSA-FAR (48 CFR) 53.222(f)

■ 420. Revise section 53.301–1446 to read as follows:

53.301–1446 Labor Standards Investigation Summary Sheet.

LABOR STANDARDS INVESTIGATION SUMMARY SHEET

REPORTING OFFICE	CONTRACT NUMBER	CONTRACT AMOUNT	DATE OF CONTRACT

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

NO. EMPLOYEES INVOLVED	ARE VIOLATIONS CONSIDERED WILLFUL? ☐Yes ☐No	COPELAND ACT VIOLATIONS ☐Yes ☐No
CONSTRUCTION WAGE RATE REQUIREMENTS STATUTE UNDERPAYMENTS $	CWHSS* UNDERPAYMENTS $	CWHSS * LAW VIOLATIONS $

CORRECTIVE ACTIONS TAKEN

RESTITUTION MADE ☐Yes ☐No	AMOUNT OF RESTITUTION $	CONTRACTORS PAYMENT WITHHELD ☐Yes ☐No
WITHHELD FOR CONSTRUCTION WAGE RATE REQUIREMENTS STATUTE VIOLATIONS $	WITHHELD FOR CWHSS* UNDERPAYMENTS $	WITHHELD FOR CWHSS* VIOLATIONS $

REMARKS

PREPARED BY

DATE	TITLE	SIGNATURE

*Contract Work Hours and Safety Standards Statute

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Previous edition is usable

STANDARD FORM 1446 (REV. 4-2013)
Prescribed by GSA-FAR (48 CFR) 53.222(h)

[FR Doc. 2014–08744 Filed 4–28–14; 8:45 am]

BILLING CODE 6820–EP–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9, 11, and 52

[FAC 2005–73; Item II; Docket No. 2014–0053; Sequence No. 1]

Federal Acquisition Regulation; Technical Amendments

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective:* April 29, 2014.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–73, Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR Parts 9, 11, and 52 this document makes editorial changes to the FAR.

List of Subject in 48 CFR Parts 9, 11, and 52

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 9, 11, and 52 as set forth below:

■ 1. The authority citation for 48 CFR part 9 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 9—CONTRACTOR QUALIFICATIONS

9.105–2 [Amended]

■ 2. Amend section 9.105–2 by removing from the introductory text of paragraph (b)(2)(i) the Web site ''*www.cpars.csd.disa.mil*'' and adding ''*www.cpars.gov*'' in its place.

9.203 [Amended]

■ 3. Amend section 9.203 by removing from paragraph (b)(2) the Web site ''*http://assist.daps.dla.mil*'' and adding ''*https://assist.dla.mil/online/start/*'' in its place.

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—

■ a. Removing from paragraph (d)(2)(i) the Web site ''*http://assist.daps.dla.mil*'' and adding ''*https://assist.dla.mil/online/start/*'' in its place;

■ 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

■ c. Removing from paragraph (d)(3)(i) the Web site ''*http://assist.daps.dla.mil/wizard''* and adding ''*https://assist.dla.mil/wizard/index.cfm*'' in its place.

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

■ b. Removing from paragraph (a) of the definition ''Federal helium supplier'' the Web site ''*http://www.nm.blm.gov/www/amfo/amfo_home.html*'' and adding ''*http://www.blm.gov/nm/st/en/fo/Amarillo_Field_Office.html*'' in its place.

The revised text reads as follows:

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

* * * * *

Required Sources for Helium and Helium Usage Data (APR 2014)

* * * * *

■ 9. Amend section 52.211–2 by—

■ a. Revising the date of the provision;

■ b. Removing from paragraph (a)(1) the Web site ''*http://assist.daps.dla.mil*'' and adding ''*https://assist.dla.mil/online/start/*'' in its place;

■ c. Removing from paragraph (a)(2) the Web site ''*http://assist.daps.dla.mil/quicksearch*'' and adding ''*http://quicksearch.dla.mil/*'' in its place; and

■ d. Removing from paragraph (b)(1) the Web site ''*http://assist.daps.dla.mil/wizard*'' and adding ''*https://assist.dla.mil/wizard/index.cfm*'' in its place.

The revised text reads as follows:

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

* * * * *

Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST) (APR 2014)

* * * * *

■ 10. Amend section 52.212–1 by—

■ a. Revising the date of the provision;

■ b. Removing from paragraph (i)(2)(i) the Web site ''*http://assist.daps.dla.mil*'' and adding ''*https://assist.dla.mil/online/start/*'' in its place;

■ c. Removing from paragraph (i)(2)(ii) the Web site ''*http://assist.daps.dla.mil/quicksearch*'' and adding ''*http://quicksearch.dla.mil/*'' in its place; and

■ d. Removing from paragraph (i)(3)(i) the Web site ''*http://assist.daps.dla.mil/wizard*'' and adding ''*https://assist.dla.mil/wizard/index.cfm*'' in its place.

The revised text reads as follows:

52.212–1 Instructions to Offerors—Commercial Items.

* * * * *

Instructions to Offerors—Commercial Items (APR 2014)

* * * * *

[FR Doc. 2014–08745 Filed 4–28–14; 8:45 am]

BILLING CODE 6820–EP–P

SEAN McGARVEY, President
BRENT BOOKER, Secretary-Treasurer

EDWIN D. HILL, 1st Vice President
JAMES A. GROGAN, 2nd Vice President
JAMES A. WILLIAMS, 3rd Vice President
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FRANK J. CHRISTENSEN, 13th Vice President

Building and Construction Trades Department

AMERICAN FEDERATION OF LABOR – CONGRESS OF INDUSTRIAL ORGANIZATIONS
815 SIXTEENTH ST., N.W., SUITE 600 • WASHINGTON, D.C. 20006-4104

(202) 347-1461 www.BCTD.org FAX (202) 628-0724

November 19, 2012

Administration, Regulatory Secretariat (MVCB)
ATTN: Hada Flowers
1275 First Street N.E., 7th Floor
Washington, D.C. 20417

Re: FAR Case 2011-018
RIN 9000-AM30

Dear Ms. Flowers:

I am President of the Building and Construction Trades Department, AFL-CIO, (hereafter "BCTD"), which is a labor organization composed of thirteen national and international building and construction trades unions and 286 State and local building and construction trades councils, representing more than 2.5 million men and women employed or seeking employment in the building and construction industry in the United States and Canada. The Davis-Bacon Act applies to many construction projects where workers represented by the BCTD and its constituent organizations are employed or are seeking employment.

The following comments are submitted in response to the Notice of Proposed Rulemaking published by the Department of Defense ("DoD"), the General Services Administration ("GSA"), and the National Aeronautics and Space Administration ("NASA") concerning proposed amendment of the Federal Acquisition Regulation ("FAR") to conform references throughout the FAR to the new Positive Law Codification of Title 41.

DOD, GSA, and NASA initiated this rulemaking following the January 2011 enactment of Public Law 111-350, 124 Stat. 3677 (Jan. 4, 2011), a new positive law codification of Title 41 of the United States Code. The majority of the proposed rule addresses changes related to Title 41, and the BCTD has no significant objection to these changes. The regulation, however, goes beyond simply making changes to those portions of the FAR related to Title 41. DOD, GSA, and NASA also propose additional changes "to complete the implementation of the recodification of title 40 in the FAR." Federal Acquisition Regulation; Positive Law Codification of Title 41, 77 Fed. Reg. 57,950 (Sept. 18, 2012).

The BCTD opposes the proposed change to the references to the Davis-Bacon Act in the FAR. The proposed change – which would substitute the phrase "Wage Rate Requirements (Construction)" in place of references to the Davis-Bacon Act throughout the FAR – is not compelled by the Positive Law Codification to Title 40 or 41, it is not necessary because the

FAR previously was updated to reflect the 2002 codification of Title 40 of the United States Code, Public Law 107-217, 116 Stat. 1142 (Aug. 21, 2002), and it will result in confusion within the federal contracting community because many other federal agencies continue to refer to the prevailing wage rate requirements imposed by 40 U.S.C. §§ 3141-3144 and 3146-3147 as the "Davis-Bacon Act," which is a well-known term of art within the construction industry.

Congress has not mandated the Removal of References to the Davis-Bacon Act

Positive law codification is not intended to enact substantive changes in existing law. Instead, the purpose is to revise and restate the general laws of the United States as positive law that "conforms to the understood policy, intent, and purpose of the Congress in the original enactments." 2 U.S.C. § 285b(1). Public Law 107-217, which resulted in the positive law codification of Title 40, does not state that the well-known phrase "Davis-Bacon Act" is to be replaced by the more generic phrase "Wage Rate Requirements (Construction)" in federal regulations.[1] In fact, the proposed replacement phrase does not appear in the statutory text itself. The only reference that is close to this phrase appears in the heading to Subchapter IV, which states "Wage Rate Requirements." Accordingly, Congress has not mandated that references to the Davis-Bacon Act be removed from federal regulations.

The Rulemaking is Unnecessary with Respect to the Recodification of Title 40

Further implementation of the recodification of Title 40 in the FAR is not warranted. In 2005, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council promulgated a final rule amending the FAR to reflect the 2002 positive law codification of Title 40. Federal Acquisition Regulation; Title 40 of United States Code Reference Corrections, 70 Fed. Reg. 57,453 (Sept. 30, 2005). The final rule amended the FAR to correct the statutory references to Title 40 in the FAR, and following the revisions, the FAR includes correct citations to the applicable provisions in Title 40. The 2005 rulemaking was, therefore, sufficient to conform the references in the FAR to the correct United States Code provisions in Title 40.

Elimination of References to the Davis-Bacon Act will Result in Confusion

The phrase "Davis-Bacon Act" is a term of art within the construction industry. Workers and contractors throughout the country are familiar with the term and understand the implications

---

[1] Nor is there any indication in the legislative history that Congress intended for federal agencies to remove references to the Davis-Bacon Act from their regulations. Indeed, the report of the House Committee on the Judiciary emphasizes that Congress intended Public Law 107-217 to "revise, codify, and enact *without substantive change* the general and permanent laws of the United States related to public buildings . . . ." H.R. Rep. No. 107-479, at 2 (2002) (emphasis added).

of application of the Davis-Bacon Act to a construction project. Replacing this well-known phrase with a generic phrase will likely result in confusion.

In addition, if this rule becomes final, the FAR will be the **only** federal regulation that does not refer to Title 40's prevailing wage requirements as the "Davis-Bacon Act,"[2] which also will cause confusion for federal contractors and their employees. Indeed, the Department of Labor's regulations issued pursuant to its responsibility to coordinate administration and consistency of enforcement of the labor standards provisions of more than 70 federal statutes that incorporate the Davis-Bacon prevailing wage requirement as well as the Davis-Bacon Act itself, consistently refers to Title 40's prevailing wage requirements applicable to federal construction projects as the "Davis-Bacon Act." DOL's publications, notices, bulletins, and fact sheets also refers to this prevailing wage statute as the "Davis-Bacon Act." If the proposed rule becomes final, a contractor or worker attempting to understand both the FAR and Department of Labor regulations will, therefore, be faced with two different phrases that describe the same underlying prevailing wage rate requirements, adding an unnecessary level of complexity to the task of insuring compliance with the Davis-Bacon Act.

Accordingly, on behalf of the Building and Construction Trades Department, AFL-CIO, it is respectfully requested that the FAR Council reconsider its tentative decision to eliminate all references to the "Davis-Bacon Act" in the FAR.

Sincerely,

(b) (6) [redacted]

Sean McGarvey
President

Attachments

Cc: Brent Booker, Secretary-Treasurer
Michael Monroe, Chief of Staff
Richard M. Resnick, General Counsel

---

[2] Agencies that continue to make reference to the Davis-Bacon Act in their regulations and official publications include: the DoD, *see, e.g.,* 32 C.F.R. § 33.36; NASA, *see, e.g.,* 14 C.F.R. 151.47; the Department of Labor, *see, e.g.,* 29 C.F.R. Part 1; the Department of Energy, *see, e.g.,* 10 C.F.R. § 600.236(i)(5); the Environmental Protection Agency, *see, e.g.,* 40 C.F.R. § 35.935-5; the Department of Agriculture, *see, e.g.,* 7 C.F.R. § 3560.559; the Office of Management and Budget, *see, e.g.,* 5 C.F.R. § 919.940; and the Department of Transportation, *see, e.g.,* 49 C.F.R. § 268.7.

GSA

GSA Office of Governmentwide Acquisition Policy

DEC 4 2012

MEMORANDUM FOR LINDA NEILSON
DEPUTY DIRECTOR
DEFENSE PROCUREMENT

THRU: WILLIAM CLARK
ACTING DIRECTOR
FEDERAL ACQUISITION POLICY DIVISION
OFFICE OF GOVERNMENTWIDE ACQUISITION POLICY

FROM: HADA FLOWERS
DIVISION DIRECTOR
REGULATORY SECRETARIAT

SUBJECT: FAR Case 2011-018; Positive Law Codification of Title 41

Attached are comments received on the subject FAR case published at 77 FR 57950 September 18, 2012. The comment closing date was November 19, 2012.

Response Number	Date Received	Commenter	Organization
2011-018-1	10/26/2012	(b) (6)	Kinberg & Associates, LLC
2011-018-2	11/19/2012		Building & Construction Trades Department, AFL-CIO

Attachments

U.S. General Services Administration
1275 First Street, NE
Washington, DC 20417
www.gsa.gov

2011-018-1

PUBLIC SUBMISSION

As of: November 27, 2012
Received: October 26, 2012
Status: Pending_Post
Tracking No. 1jw-81md-zroa
Comments Due: November 19, 2012
Submission Type: Web

Docket: FAR-2011-0018
Federal Acquisition Regulation; Positive Law Codification of Title 41; FAR Cse 2011-018

Comment On: FAR-2011-0018-0001
Federal Acquisition Regulations: Positive Law Codification of Title 41; FAR Case 2011-018

Document: FAR-2011-0018-DRAFT-0001
Comment on FR Doc # 2012-21874

Submitter Information

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1290 W. Eau Gallie
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Email: (b) (6) bleal.com
Phone: 3212591910
Fax: 3212591996
Submitter's Representative: (b) (6) [redacted]
Organization: Kinberg & Associates, LLC

General Comment

Some of these changes indicate the Agencies no longer are interested in honesty in fact, but only compliance with the law.

For example, 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. In effect, the new term shifts the focus from integrity in fact, a personal trait to compliance with the law a compelled action. Federal Procurement is a profession, the hallmark of the profession is integrity in fact, taking the focus off integrity has the potential to cause significant damage to the procurement system. If any change is made in this name, it should be the simple removal of the word "Act" as with many other changes. This will leave integrity as a core value of our system.

Another change that demonstrates the shift in focus from personal responsibility is the change in the name of the "Truth in Negotiation Act" to "Truthful Cost or Pricing Data." While the law requires "truthful" data, the primary purpose of the law, and its title, is to ensure honest negotiations. To me this change indicates that the government does not care about dishonest or

misleading conduct in negotiations so long as the underlying data is truthful. This opens the door to a host of problems. Simply taking the word "act" out of the name is sufficient.

Many of the other changes such as changing "competition advocate" to advocate for competition" and "Department of Justice" to "Attorney General" just don't seem to be worth the cost of tracking down and changing minor terms in dozens of regulations and policies which all have to be reprinted

This rule sends the wrong message to the public and the contractor community, i.e. the Government is more interested in minor technicalities than the many serious issues involved in maintaining an honest and open procurement system.

PUBLIC SUBMISSION

As of: November 27, 2012
Received: November 19, 2012
Status: Pending_Post
Tracking No. 1jw-822m-5vdt
Comments Due: November 19, 2012
Submission Type: Web

Docket: FAR-2011-0018
Federal Acquisition Regulation; Positive Law Codification of Title 41; FAR Cse 2011-018

Comment On: FAR-2011-0018-0001
Federal Acquisition Regulations: Positive Law Codification of Title 41; FAR Case 2011-018

Document: FAR-2011-0018-DRAFT-0002
Comment on FR Doc # 2012-21874

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Email: (b) (6) [redacted] @bctd.org
Phone: 202-756-4647
Fax: (202) 628-0724
Submitter's Representative: (b) (6) [redacted]
Organization: Building and Construction Trades Department, AFL-CIO

General Comment

Comments submitted on behalf of the Building and Construction Trades Department, AFL-CIO are attached.

Attachments

BCTD Comments in Response to NPRM Re_Proposed Amendments to Conform References in the FAR to the Positive Law Codification of Title 41 US Code

SEAN McGARVEY, President
BRENT BOOKER, Secretary-Treasurer

EDWIN D. HILL, 1st Vice President
JAMES A. GROGAN, 2nd Vice President
JAMES A. WILLIAMS, 3rd Vice President
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Building and Construction Trades Department

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November 19, 2012

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ATTN: Hada Flowers
1275 First Street N.E., 7th Floor
Washington, D.C. 20417

Re: FAR Case 2011-018
RIN 9000-AM30

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Accordingly, on behalf of the Building and Construction Trades Department, AFL-CIO, it is respectfully requested that the FAR Council reconsider its tentative decision to eliminate all references to the "Davis-Bacon Act" in the FAR.

(b) (6)

President

Attachments

Cc: Brent Booker, Secretary-Treasurer
Michael Monroe, Chief of Staff
Richard M. Resnick, General Counsel

---

[2] Agencies that continue to make reference to the Davis-Bacon Act in their regulations and official publications include: the DoD, *see, e.g.*, 32 C.F.R. § 33.36; NASA, *see, e.g.*, 14 C.F.R. 151.47; the Department of Labor, *see, e.g.*, 29 C.F.R. Part 1; the Department of Energy, *see, e.g.*, 10 C.F.R. § 600.236(i)(5); the Environmental Protection Agency, *see, e.g.*, 40 C.F.R. § 35.935-5; the Department of Agriculture, *see, e.g.*, 7 C.F.R. § 3560.559; the Office of Management and Budget, *see, e.g.*, 5 C.F.R. § 919.940; and the Department of Transportation, *see, e.g.*, 49 C.F.R. § 268.7.