

plans in support of small and small disadvantaged business concerns. This data shall be collected annually and semiannually, using Standard Form 295, Summary Subcontracting Report, for the annual submissions, and Standard Form 294, Subcontracting Report for Individual Contracts, for the semi-annual submissions. The head of the contracting activity shall forward these reports to the A/SDBU Operations Director, not later than the 30th day of the month following the close of the reporting period.

[53 FR 26170, July 11, 1988, as amended at 59 FR 66760, Dec. 28, 1994]

619.708-70 Solicitation provisions and contract clauses.

The contracting officer shall insert a provision substantially the same as the provision at 652.219-70, Department of State Subcontracting Goals, in solicitations whenever the clause at FAR 52.219-9, Small Business and Small Disadvantaged Business Subcontracting Plan, is used.

[59 FR 66760, Dec. 28, 1994]

Subpart 619.8—Contracting with the Small Business Administration (the 8(a) Program)

619.801 Definitions.

National buy requirements includes all 8(a) contracts performed outside the United States and processed by the Small Business Administration.

[59 FR 66760, Dec. 28, 1994]

619.803 Selecting acquisitions for the 8(a) program.

619.803-70 Responsibilities of the Office of Small and Disadvantaged Business Utilization (A/SDBU).

A/SDBU shall review the capabilities of 8(a) concerns and disseminate that information to DOS program and contracting personnel. As necessary, A/SDBU shall obtain from the SBA or 8(a) concerns supplemental information for DOS program and contracting personnel.

619.810 SBA appeals.

The Procurement Executive is the agency head for the purposes of FAR 19.810.

[59 FR 66760, Dec. 28, 1994]

619.812 Contract administration.

(d) The Procurement Executive is the agency head for the purposes of FAR 19.812(d).

[59 FR 66760, Dec. 28, 1994]

619.870 Acquisition of technical requirements.

(a) *Offering Letter.* When a decision has been made by the A/SDBU and contracting officer to process an acquisition through the SBA under the 8(a) program, the contracting activity shall promptly send to the applicable SBA office a letter offering the acquisition to the SBA, with an information copy to the SDBUS. The offering letter should transmit the statement of work, purchase description, technical data package, or specifications and such other information deemed necessary by the contracting officer.

(b) The contracting officer has greater latitude in holding discussions with the concerns solicited under an 8(a) program acquisition if under the \$3 million competitive threshold for 8(a) competition than under a non-8(a) program acquisition. Informal assessments of 8(a) concerns shall be within the parameters of 13 CFR 124.308(g). The technical evaluation must be carefully reviewed to determine if any source declared to be unacceptable is capable of being made acceptable.

[53 FR 26170, July 11, 1988, as amended at 59 FR 66760, Dec. 28, 1994]

PART 622—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 622.3—Contract Work Hours and Safety Standards Act

Sec.

622.302 Liquidated damages and overtime pay.

Department of State

622.404-11

Subpart 622.4—Labor Standards for Contracts Involving Construction

- 622.401 Definitions.
- 622.404 Davis-Bacon Act wage determinations.
- 622.404-3 Procedures for requesting wage determinations.
- 622.404-6 Modifications of wage determinations.
- 622.404-7 Correction of wage determinations containing clerical errors.
- 622.404-11 Wage determination appeals.
- 622.406 Administration and enforcement.
- 622.406-1 Policy.
- 622.406-3 Additional classifications.
- 622.406-8 Investigations.
- 622.406-9 Withholding from or suspension of contract payments.
- 622.406-10 Disposition of disputes concerning construction contract labor standards enforcement.
- 622.406-11 Contract terminations.
- 622.406-12 Cooperation with the Department of Labor.

Subpart 622.6—Walsh-Healey Public Contracts Act

- 622.604 Exemptions.
- 622.604-2 Regulatory exemptions.

Subpart 622.8—Equal Employment Opportunity

- 622.807 Exemptions.

Subpart 622.13—Special Disabled and Vietnam Era Veterans

- 622.1303 Waivers.
- 622.1308 Contract clauses.

Subpart 622.14—Employment of the Handicapped

- 622.1403 Waivers.
- 622.1408 Contract clause.

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26172, July 11, 1988, unless otherwise noted.

Subpart 622.3—Contract Work Hours and Safety Standards Act

622.302 Liquidated damages and overtime pay.

The authority to make the determination prescribed in FAR 22.302(c) is delegated, without power of redelegation, to the head of the contracting activity.

[55 FR 5774, Feb. 16, 1990]

Subpart 622.4—Labor Standards for Contracts Involving Construction

SOURCE: 55 FR 5774, Feb. 16, 1990, unless otherwise noted.

622.401 Definitions.

(b) Apprentices, trainees, helpers, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act, watchmen and guards. The terms "apprentice" and "trainee" are defined as follows:

(1) *Apprentice* has the same definition as in FAR 22.401(b)(1).

(2) *Trainee* has the same definition as in FAR 22.401(b)(2).

(3) The definition for *helper* as described in FAR 22.401 paragraph (b)(3) of the definition of *Laborers* or *mechanics* is reserved.

[59 FR 66760, Dec. 28, 1994]

622.404 Davis-Bacon Act wage determinations.

622.404-3 Procedures for requesting wage determinations.

The cognizant contracting activity (see 601.603-70) is the contracting agency for the purposes of FAR 22.404-3(b) and (e)

622.404-6 Modifications of wage determinations.

The cognizant contracting activity is the contracting agency for the purposes of FAR 22.404-6.

(b)(6) The head of the contracting activity is the agency head's designee for the purposes of FAR 22.404-6(b)(6).

[55 FR 5774, Feb. 16, 1990, as amended at 59 FR 66760, Dec. 28, 1994]

622.404-7 Correction of wage determinations containing clerical errors.

The cognizant contracting activity is the contracting agency for the purposes of FAR 22.404-7.

622.404-11 Wage determination appeals.

The cognizant contracting activity is the contracting agency for the purposes of FAR 22.404-11.

622.406

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622.406 Administration and enforcement.

Subpart 622.8—Equal Employment Opportunity

622.406-1 Policy.

The cognizant contracting activity is the contracting agency for the purposes of FAR 22.406-1(a).

622.807 Exemptions.

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

622.406-3 Additional classifications.

(b)(4) FAR 22.406-3 paragraph (b)(4) is reserved.

Subpart 622.13—Special Disabled and Vietnam Era Veterans

[59 FR 66760, Dec. 28, 1994]

622.1303 Waivers.

The Procurement Executive is the agency head for the purposes of FAR 22.1303.

622.406-8 Investigations.

(a) The chief of the contracting activity is responsible for conducting labor standards investigations as prescribed in FAR 22.406-8(a).

622.1308 Contract clauses.

The Procurement Executive is the agency head for the purposes of FAR 22.1308 (a)(2) and (c).

(d) The Procurement Executive is the agency head's designee for the purposes of FAR 22.406-8(d).

[55 FR 5775, Feb. 16, 1990]

622.406-9 Withholding from or suspension of contract payments.

The authority to suspend contract payments pursuant to FAR 22.406-9(b) is delegated, without power of redelegation, to the head of the contracting activity.

Subpart 622.14—Employment of the Handicapped

622.1403 Waivers.

The Procurement Executive is the agency head for the purposes of FAR 22.1403.

622.406-10 Disposition of disputes concerning construction contract labor standards enforcement.

The cognizant contracting activity is the contracting agency for the purposes of FAR 22.406-10(b).

622.1408 Contract clause.

The Procurement Executive is the agency head for the purposes of FAR 22.1408.

[55 FR 5775, Feb. 16, 1990]

622.406-11 Contract terminations.

The cognizant contracting activity is the contracting agency for the purposes of FAR 22.406-11.

PART 623—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORK-PLACE

622.406-12 Cooperation with the Department of Labor.

Any information furnished to the Department of Labor pursuant to FAR 22.406-12(a) shall be submitted through the head of the contracting activity.

Subpart 623.1—Pollution Control and Clean Air and Water

Sec.

623.104 Exemptions.

623.107 Compliance responsibilities.

Subpart 622.6—Walsh-Healey Public Contracts Act

Subpart 623.3—Hazardous Material Identification and Material Safety Data

622.604 Exemptions

623.302-70 Policy.

622.604-2 Regulatory exemptions.

The Procurement Executive is the agency head for the purposes of FAR 22.604-2(c)(1).

Subpart 623.4—Use of Recovered Materials

623.470 Affirmative procurement program for recovered materials.

623.471 Purpose.

623.472 Applicability.