

## 619.810

participant, the SBA may participate in the negotiations.

### 619.810 SBA appeals.

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

### 619.811 Preparing the contracts.

#### 619.811-1 Sole source.

(d) If the award is to be made under an MOU cited in 619.800, the contract to be awarded by the contracting activity to the 8(a) firm shall be prepared in accordance with the contracting activity's normal procedures, given contract type and dollar amount, that the contracting activity would use for a similar, non-8(a) acquisition, except for the following:

(1) The award form shall cite 41 U.S.C. 253(c)(5) or 10 U.S.C. 2304(c)(5), as appropriate, and 15 U.S.C. 637(a) as the authority for use of other than full and open competition.

(2) The contracting officer shall insert FAR 52.219-14, Limitations on Subcontracting, and DOSAR 652.219-71, Section 8(a) Direct Awards.

(3) For acquisitions exceeding \$100,000, the contracting activity shall include SBA's requirement number on the award document.

(4) A single award document shall be used between the agency and the 8(a) contractor, i.e., an SBA signature will not be required. The title of the agency contracting officer shall include the contracting activity, as follows: Contracting Officer for the Department of State [insert contracting activity]. In addition, in accordance with the MOU, A/SDBU staff who have been issued limited contracting officer warrants for this purpose shall sign the contract as a third party. The 8(a) contractor's signature shall be placed on the award document as the prime contractor. The 8(a) contractor's name and address shall be placed in the "Awarded to" or "Contractor name" block on the appropriate form.

#### 619.811-2 Competitive.

(a) If the award is made under the delegation of 8(a) contracting authority, competitive contracts for 8(a) firms shall be prepared in accordance

## 48 CFR Ch. 6 (10-1-02 Edition)

with the same standards as 8(a) sole source contracts. See 619.811-1.

(b) If the acquisition is conducted under the MOU cited in 619.800, the process for obtaining signatures shall be as specified in 619.811-1(d)(4).

#### 619.811-3 Contract clauses.

(d)(3) The contracting officer shall insert the clause at FAR 52.219-18, Notification of Competition Limited to Eligible 8(a) Concerns, with its Alternate III (Deviation), in competitive solicitations and contracts exceeding \$100,000 when the acquisition is processed under the MOU cited in 619.800.

(f) The contracting officer shall insert the clause at FAR 52.219-14, Limitations on Subcontracting, and DOSAR 652.219-71, Section 8(a) Direct Awards, in all solicitations and contracts that are processed under the MOU cited at 619.800. The clauses at FAR 52.219-11, Special 8(a) Contract Conditions; 52.219-12, Special 8(a) Subcontract Conditions; and, 52.219-17, Section 8(a) Award, shall not be used.

#### 619.812 Contract administration.

(d) The head of the contracting activity is the agency head for the purposes of FAR 19.812(d). Awards under the MOU cited in 619.800 are subject to 15 U.S.C. 637(a)(21). These contracts contain the clause at DOSAR 652.219-71, Section 8(a) Direct Awards, that requires the 8(a) contractor to notify the SBA and the contracting officer when ownership of the firm is being transferred.

## 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.

### Subpart 622.4—Labor Standards for Contracts Involving Construction

622.404 Davis-Bacon Act wage determinations.

622.404-3 Procedures for requesting wage determinations.

## Department of State

- 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.
- 622.406-8 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

- 622.803 Responsibilities.
- 622.807 Exemptions.

### Subpart 622.13—Disabled Veterans and Veterans of the Vietnam Era

- 622.1303 Waivers.
- 622.1308 Contract clauses.

### Subpart 622.14—Employment of Workers with Disabilities

- 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.

## 622.406-9

#### 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 Administration and enforcement.

#### 622.406-1 Policy.

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

#### 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).

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

#### 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.

**622.406-10**

**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).

**622.406-11 Contract terminations.**

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

**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 622.6—Walsh-Healey Public Contracts Act**

**622.604 Exemptions**

**622.604-2 Regulatory exemptions.**

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

**Subpart 622.8—Equal Employment Opportunity**

**622.803 Responsibilities.**

(c) The Procurement Executive is the agency head for the purpose of FAR 22.803(c).

[64 FR 43626, Aug. 11, 1999]

**622.807 Exemptions.**

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

**Subpart 622.13—Disabled Veterans and Veterans of the Vietnam Era**

**622.1303 Waivers.**

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

**622.1308 Contract clauses.**

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

[55 FR 5775, Feb. 16, 1990]

**48 CFR Ch. 6 (10-1-02 Edition)**

**Subpart 622.14—Employment of Workers with Disabilities**

**622.1403 Waivers.**

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

**622.1408 Contract clause.**

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

[55 FR 5775, Feb. 16, 1990]

**PART 623—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

**Subpart 623.1—Pollution Control and Clean Air and Water**

Sec.

623.104 Exemptions.

623.107 Compliance responsibilities.

**Subpart 623.3—Hazardous Material Identification and Material Safety Data**

623.302-70 Policy.

**Subpart 623.4—Use of Recovered Materials**

623.400 Scope of subpart.

623.404 Procedures.

**Subpart 623.5—Drug-Free Workplace**

623.506 Suspension of payments, termination of contract, and debarment and suspension actions.

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

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

**Subpart 623.1—Pollution Control and Clean Air and Water**

**623.104 Exemptions.**

The Procurement Executive is the agency head for the purposes of FAR 23.104(c).

**623.107 Compliance responsibilities.**

The Procurement Executive is the agency head's designee for the purposes of FAR 23.107.