

include FAR clause 52.219–9, Small Business Subcontracting Plan.

(b) Insert 852.219–72, Evaluation Factor for Participation in the VA Mentor-Protégé Program, in solicitations that include an evaluation factor for participation in VA’s Mentor-Protégé Program in accordance with 819.7105 and that also include FAR clause 52.219–9, Small Business Subcontracting Plan.

## **PART 822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

### **Subpart 822.3—Contract Work Hours and Safety Standards Act**

Sec.

822.304 Variations, tolerances, and exemptions.

822.305 Contract clause.

### **Subpart 822.4—Labor Standards for Contracts Involving Construction**

822.406 Administration and enforcement.

822.406–11 Contract terminations.

AUTHORITY: 29 CFR 5.15(d); 40 U.S.C. 121(c); 48 CFR 1.301–1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

### **Subpart 822.3—Contract Work Hours and Safety Standards Act**

#### **822.304 Variations, tolerances, and exemptions.**

When issuing a contract for nursing home care, a contracting officer may exempt a contractor from certain requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708) regarding the payment of overtime (see 29 CFR 5.15(d)(2) and 852.222–70).

#### **822.305 Contract clause.**

The contracting officer shall insert the clause at 852.222–70, Contract Work Hours and Safety Standards Act—nursing home care contract supplement, in solicitations and contracts for nursing home care when the FAR clause at 52.222–4, Contract Work Hours and Safety Standards Act—Overtime Compensation, is included.

## **Subpart 822.4—Labor Standards for Contracts Involving Construction**

### **822.406 Administration and enforcement.**

#### **822.406–11 Contract terminations.**

(a) Contracting officers must submit any proposed termination of a contract based on violations of the labor standard provisions of the contract to OGC for review and comment prior to taking final action. The submittal must include a detailed explanation of the facts and circumstances involved. Contracting officers, except those in the Office of Construction and Facilities Management, shall forward the submittal to OGC through the DSPE. Contracting officers in the Office of Construction and Facilities Management shall forward the submittal to OGC through the Director, Office of Construction and Facilities Management.

(b) If the contract is to be terminated, the DSPE or the Director, Office of Construction and Facilities Management, must submit the reports required by 29 CFR 5.7(d) over the signature of the SPE.

## **PART 823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE [RESERVED]**

## **PART 824—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

### **Subpart 824.1—Protection of Individual Privacy**

Sec.

824.102 General.

### **Subpart 824.2—Freedom of Information Act**

824.203 Policy.

AUTHORITY: 38 CFR 1.550–1.559 and 1.575–1.584; 40 U.S.C. 121(c), and 48 CFR 1.301–1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.