

§ 358. Wage and fringe benefit determinations of Secretary

It is the intent of the Congress that determinations of minimum monetary wages and fringe benefits for the various classes of service employees under the provisions of paragraphs (1) and (2) of section 351¹ of this title should be made with respect to all contracts subject to this chapter, as soon as it is administratively feasible to do so. In any event, the Secretary shall make such determinations with respect to at least the following contracts subject to this chapter which are entered into during the applicable fiscal year:

- (1) For the fiscal year ending June 30, 1973, all contracts under which more than twenty-five service employees are to be employed.
- (2) For the fiscal year ending June 30, 1974, all contracts, under which more than twenty service employees are to be employed.
- (3) For the fiscal year ending June 30, 1975, all contracts under which more than fifteen service employees are to be employed.
- (4) For the fiscal year ending June 30, 1976, all contracts under which more than ten service employees are to be employed.
- (5) On or after July 1, 1976, all contracts under which more than five service employees are to be employed.

(Pub. L. 89-286, § 10, as added Pub. L. 92-473, § 5, Oct. 9, 1972, 86 Stat. 790; amended Pub. L. 94-273, § 29, Apr. 21, 1976, 90 Stat. 380.)

AMENDMENTS

1976—Par. (5). Pub. L. 94-273 substituted "On or after July 1, 1976" for "For the fiscal year ending June 30, 1977, and for each fiscal year thereafter".

CHAPTER 7—OFFICE OF FEDERAL PROCUREMENT POLICY

- Sec. 401, 402. Repealed.
- 403. Definitions.
- 404. Establishment of Office of Federal Procurement Policy; appointment of Administrator.
- 405. Authority and functions of the Administrator.
 - (a) Development of procurement policy; leadership.
 - (b) Government-wide procurement regulations.
 - (c) Noninterference with executive agencies.
 - (d) Enumeration of included functions.
 - (e) Consultation; assistance of existing executive agencies; advisory committees and interagency groups.
 - (f) Oversight of regulations promulgated by other agencies relating to procurement.
 - (g) Assignment, delegation, or transfer of functions prohibited.
 - (h) Real property procurement; Office of Management and Budget.
 - (i) Recipients of Federal grants or assistance.
 - (j) Policy regarding consideration of contractor past performance.
 - (k) Annual reporting requirement.
- 405a. Uniform Federal procurement regulations and procedures.

- Sec. 405b. Conflict of interest standards for individuals providing consulting services.
 - (a) Issuance of policy and regulations.
 - (b) Services subject to regulations.
 - (c) Report to Congress by Comptroller General on effectiveness of regulations.
 - (d) Intelligence activities exemption; annual report by Director of Central Intelligence.
 - (e) Adverse effect determination by President prior to issuance of regulations; report to Congressional committees; voiding of regulations requirement.
- 406. Administrative powers.
- 407. Repealed.
- 408. Applicability of existing laws.
- 409. Repealed.
- 410. Authorization of appropriations.
- 411. Delegation of authority by Administrator.
- 412. Comptroller General's access to information from Administrator; rule making procedure.
- 413. Tests of innovative procurement methods and procedures.
- 414. Chief Acquisition Officers and senior procurement executives.
 - (a) Establishment of agency Chief Acquisition Officers.
 - (b) Authority and functions of agency Chief Acquisition Officers.
 - (c) Senior procurement executive.
- 414a. Personnel evaluation.
- 414b. Chief Acquisition Officers Council.
 - (a) Establishment.
 - (b) Membership.
 - (c) Leadership; support.
 - (d) Principal forum.
 - (e) Functions.
- 415. Repealed.
- 416. Procurement notice.
 - (a) Covered executive agency activities; publication of notice; time limitations.
 - (b) Contents of notice.
 - (c) Exempted, etc., activities of executive agency.
 - (d) Availability of complete solicitation package; payment of fee.
- 417. Record requirements.
 - (a) Establishment and maintenance of computer file by executive agency; time period; coverage.
 - (b) Contents.
 - (c) Record categories.
 - (d) Transmission and data system entry of information.
- 417a. Procurement data.
 - (a) Reporting.
 - (b) Definitions.
- 418. Advocates for competition.
 - (a) Establishment, designation, etc., in executive agency.
 - (b) Duties and functions.
 - (c) Responsibilities.
- 418a. Rights in technical data.
 - (a) Regulations; legitimate proprietary interest of United States.
 - (b) Unlimited rights; technical data; developed with Federal funds; unrestricted, royalty-free right to use; rights under law.
 - (c) Factors; regulations.
 - (d) Provisions; contracts; regulations.
- 418b. Publication of proposed regulations.
 - (a) Effective date; procurement policy, regulations, procedure or form; publication in Federal Register.

¹ So in original. Probably should be section "351(a)".

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	(b) Publication in Federal Register.		(d) Equitable distribution.
	(c) Notice; proposed policy; contents.		(e) Implementation through FAR.
	(d) Waiver.		(f) Micro-purchase threshold defined.
419.	Contracting functions performed by Federal personnel.	428a.	Special emergency procurement authority.
	(a) Limitation on payment for advisory and assistance services.		(a) Applicability.
	(b) Covered personnel.		(b) Increased thresholds.
	(c) Rule of construction.		(c) Increased limitation on use of simplified acquisition procedures.
420.	Repealed.		(d) Commercial items authority.
421.	Federal Acquisition Regulatory Council.		(e) Contingency operation defined.
	(a) Establishment.	429.	List of laws inapplicable to contracts not greater than simplified acquisition threshold in Federal Acquisition Regulation.
	(b) Membership.		(a) List of inapplicable provisions of law.
	(c) Functions.		(b) Covered law.
	(d) Additional responsibilities of membership.		(c) Petition.
	(e) Governing policies.	430.	List of laws inapplicable to procurements of commercial items in Federal Acquisition Regulation.
	(f) General authority with respect to FAR.		(a) List of inapplicable provisions of law.
422.	Cost Accounting Standards Board.		(b) Subcontracts.
	(a) Establishment; membership; terms.		(c) Covered law.
	(b) Senior staff.		(d) Petition.
	(c) Other staff.	431.	Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.
	(d) Detailed and temporary personnel.		(a) Lists of inapplicable provisions of law.
	(e) Compensation.		(b) Covered law.
	(f) Cost accounting standards authority.		(c) "Commercially available off-the-shelf item" defined.
	(g) Requirements for standards.	431a.	Inflation adjustment of acquisition-related dollar thresholds.
	(h) Implementing regulations.		(a) Requirement for periodic adjustment.
	(i) Omitted.		(b) Adjustments effective upon publication.
	(j) Effect on other standards and regulations.		(c) Acquisition-related dollar thresholds.
	(k) Examinations.		(d) Excluded thresholds.
	(l) Authorization of appropriations.		(e) Calculation of adjustments.
423.	Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information.		(f) Petition for inclusion of omitted threshold.
	(a) Prohibition on disclosing procurement information.	432.	Value engineering.
	(b) Prohibition on obtaining procurement information.		(a) In general.
	(c) Actions required of procurement officers when contacted by offerors regarding non-Federal employment.		(b) "Value engineering" defined.
	(d) Prohibition on former official's acceptance of compensation from contractor.	433.	Acquisition workforce.
	(e) Penalties and administrative actions.		(a) Applicability.
	(f) Definitions.		(b) Management policies.
	(g) Limitation on protests.		(c) Senior procurement executive authorities and responsibilities.
	(h) Savings provisions.		(d) Management information systems.
424.	Repealed.		(e) Applicability to acquisition workforce.
425.	Contract clauses and certifications.		(f) Career development.
	(a) Nonstandard contract clauses.		(g) Qualification requirements.
	(b) Construction of certification requirements.		(h) Education and training.
	(c) Prohibition on certification requirements.	434.	Modular contracting for information technology.
426.	Use of electronic commerce in Federal procurement.		(a) In general.
	(a) In general.		(b) Modular contracting described.
	(b) Applicable standards.		(c) Implementation.
	(c) Agency procedures.	435.	Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.
	(d) Implementation.		(a) Determination required.
	(e) Report.		(b) Benchmark compensation amount.
	(f) "Electronic commerce" defined.		(c) Definitions.
426a.	Repealed.	436.	Protection of constitutional rights of contractors.
427.	Simplified acquisition procedures.		(a) Prohibition.
	(a) Requirement.		(b) Construction.
	(b) Prohibition on dividing purchases.	437.	Incentives for efficient performance of services contracts.
	(c) Promotion of competition required.		(a) Incentive for use of performance-based services contracts.
	(d) Consideration of offers timely received.		(b) Regulations.
	(e) Interim reporting rule.		(c) Report.
	(f) Special rules for commercial items.		(d) Expiration.
428.	Procedures applicable to purchases below micro-purchase threshold.	438.	Civilian Board of Contract Appeals.
	(a) Requirements.		(a) Board established.
	(b) Exclusion for micro-purchases.		
	(c) Purchases without competitive quotations.		