

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE		PAGE OF PAGES 1 9	
2. AMENDMENT/MODIFICATION NO. 0001		3. EFFECTIVE DATE 05/05/2022		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)	
6. ISSUED BY CODE 363N		7. ADMINISTERED BY (If other than Item 6) CODE					
USDA-FS STEWARDSHIP CONTRACTING BRANCH PROCUREMENT AND PROPERTY SERVICES NATIONAL PROCUREMENT OPERATIONS 1400 INDEPENDENCE AVE SW MS-1138 WASHINGTON DC 20250-1138							
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(x) 9A. AMENDMENT OF SOLICITATION NO. 12363N22Q4038			
				x 9B. DATED (SEE ITEM 11) 04/21/2022			
				10A. MODIFICATION OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or electronic communication which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or electronic communication, provided each letter or electronic communication makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.						
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).						
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:						
	D. OTHER (Specify type of modification and authority)						
E. IMPORTANT: Contractor <input type="checkbox"/> is not <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)							
ROCKY MOUNTAIN RESTORATION PROJECT (RMRP) STEWARDSHIP BPA REGION 2 - Colorado, South Dakota, Wyoming Arapaho-Roosevelt (ARNF), Black Hills (BHNF), Pike-San Isabel (PSICC), San Juan (SFNF), White River (WRNF), and Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forests							
AMENDMENT 001: 1. Replaces SF-1449 2. Revises Section 11: Order Procedures (Part 2) on Page 16 3. Revises Section 49: List of Attachments on Page 46 4. SCA Wage Determination #1979-0948 for WY added to solicitation 5. Proposal Due Date 06/06/2022 not changed							
Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				MARK T. PHILLIPP			
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
_____ (Signature of person authorized to sign)				_____ (Signature of Contracting Officer)			

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30				1. REQUISITION NUMBER		PAGE OF 1 2	
2. CONTRACT NO.		3. AWARD/ EFFECTIVE DATE	4. ORDER NUMBER		5. SOLICITATION NUMBER 12363N22Q4038		6. SOLICITATION ISSUE DATE 04/21/2022
7. FOR SOLICITATION INFORMATION CALL:		a. NAME MARK PHILLIPP		b. TELEPHONE NUMBER (No collect calls) 541-410-1187		8. OFFER DUE DATE/LOCAL TIME 06/06/2022 1700 MT	
9. ISSUED BY USDA-FS STEWARDSHIP CONTRACTING BRANCH PROCUREMENT AND PROPERTY SERVICES NATIONAL PROCUREMENT OPERATIONS 1400 INDEPENDENCE AVE SW, MS-1138 WASHINGTON DC 20250-1138			CODE 363N	10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: % FOR: <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM <input type="checkbox"/> EDWOSB <input type="checkbox"/> 8(A) NAICS: 115310 SIZE STANDARD: \$8.00			
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE		12. DISCOUNT TERMS		13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) <input type="checkbox"/>		13b. RATING	
15. DELIVER TO USDA FOREST SERVICE - REGION 2 ROCKY MOUNTAIN REGION As Indicated On Each BPA Call		CODE 82X9		16. ADMINISTERED BY USDA-FS STEWARDSHIP CONTRACTING BRANCH PROCUREMENT AND PROPERTY SERVICES NATIONAL PROCUREMENT OPERATIONS 1400 INDEPENDENCE AVE SW, MS-1138 WASHINGTON DC 20250-1138		CODE 363N	
17a. CONTRACTOR/ OFFEROR		FACILITY CODE		18a. PAYMENT WILL BE MADE BY		CODE	
ADDRESS				As Indicated On Each BPA Call			
UEI SAM: EMAIL: TELEPHONE NO.							
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER				18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM			
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	ROCKY MOUNTAIN RESTORATION PROJECT (RMRP) STEWARDSHIP BPA REGION 2 - Colorado, South Dakota, Wyoming Arapaho-Roosevelt (ARNF), Black Hills (BHNF), Pike-San Isabel (PSICC), San Juan (SJNF), White River (WRNF), and Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forests Period of Performance: 10 Years from Date of Award <i>(Use Reverse and/or Attach Additional Sheets as Necessary)</i>					See Attached	Schedule of Items
25. ACCOUNTING AND APPROPRIATION DATA <div style="text-align: center;">N/A</div>						26. TOTAL AWARD AMOUNT (For Govt. Use Only) <div style="text-align: center;">N/A</div>	
<input checked="" type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA <input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED. <input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.							
<input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 1 COPY VIA EMAIL TO MARK.PHILLIPP@USDA.GOV AND NIKKI.LAYTON@USDA.GOV . CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED.				<input type="checkbox"/> 29. AWARD OF CONTRACT: _____ OFFER DATED _____. YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)			
30b. NAME AND TITLE OF SIGNER (Type or print)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (Type or print)		31c. DATE SIGNED	
				MARK T. PHILLIPP			

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	<p>BPA Award under this solicitation will be made through issuance of multiple Blanket Purchase Agreements.</p> <p>This BPA will allow for future Call Orders that include:</p> <p>1) Integrated Resource Service Contract (IRSC) with required timber product removal.</p> <p>2) Service-based IRSC that includes the option for Timber Subject to Agreement products to be removed when there is no required timber product removal.</p> <p>3) Service contract in which no timber product removal is included.</p>				

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE			32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
			32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
33. SHIP NUMBER	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT	37. CHECK NUMBER
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL			<input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	
38. S/R ACCOUNT NUMBER	39. S/R VOUCHER NUMBER	40. PAID BY		
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT			42a. RECEIVED BY (<i>Print</i>)	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE	42b. RECEIVED AT (<i>Location</i>)	
			42c. DATE REC'D (YY/MM/DD)	42d. TOTAL CONTAINERS

request will also include specific instructions for the submission of offers, the selection criteria factors, the factors' order of importance, and other information deemed appropriate.

2. Awardees under their Blanket Purchase Agreement will generally be allowed **10-30 working days** to prepare and submit quotes or proposals. However, more or less time may be necessary based on the requirements. The due date shall be set forth in each BPA call quote request. ~~*If an awardee is unable to perform a requirement, the awardee may "NO QUOTE" the BPA call quote request. All "NO QUOTE" shall include a brief statement as to why the awardee is unable to perform (i.e., Conflict of Interest).*~~ While no mandatory requirement exists for the submission of a proposal/quote, firms consistently declining to submit offers for availability reasons may jeopardize their ability to receive future BPA calls.

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3. Technical Proposals. A BPA Call request for quotes (RFQ) or proposals **MAY** include the demand for any or all of the following information depending upon the complexity of the project:

- * Technical Approach (Including Operating Plan, Benefit to Local Community, and Biomass Utilization)
- * Key Personnel utilized
- * Quality control plan
- * Quantities/hours of personnel by labor categories
- * Quantities/hours of equipment by specific type
- * Other Direct Costs (ODCs) (e.g., material not provided by the Government, mobilization, etc.)
- * Site Specific augmentation to the Formal Letter of Agreement's Safety Plan
- * Performance Work Plan Schedule
- * Use of Government Property
- * Necessary flagging requirements
- * Teaming Arrangement to include subcontracting from the list of approved subcontractors established at time of award

Technical proposal information will be streamlined to no more than 5 (five) pages; excluding any Safety Plan augmentation and the Performance Work Plan Schedule. Proposals shall not merely restate the BPA Call's work statement requirements or Statement of Work.

4. Price Quotes. A written price quote will always be required on the face of each BPA call form. Completing the form with an authorized signature will, in most cases, represent the sum of a firm's price quote. Pricing will only be provided to the Contracting Officer.

5. Clarification of Offer: Quotes/Proposals will be evaluated in accordance with selection criteria set forth in the BPA calls Request for Quotes. If necessary, during the evaluation of quotes/proposals the Government may contact an Agreement holder with questions concerning their quote/proposal. Upon completion of evaluations, the CO will issue a BPA call to the awardee whose proposal is most advantageous to the Government.

6. BPA Call Issuance: Calls may be issued verbally, by facsimile, or by electronic commerce methods. However, all calls must be finalized in writing and provided to the Contracting Officer with the appropriate signatures and agreed upon pricing for stated pay items.

7. Unauthorized Work: The Contractor is not authorized to commence performance prior to issuance of a signed BPA call and Notice to Proceed or verbal approval provided by the CO to begin work.

8. BPA call Funding Restrictions: No unfunded calls are authorized under this Agreement.

9. The acceptance of a contractor's quote/proposal by Contracting Officer and any subsequent issuance of a signed BPA call makes said call a binding contract.

48. In accordance with FAR 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989), the following information is provided:

This Statement is for Information Only: It is not a Wage Determination

Employee Class	Monetary Wage	Fringe Benefits
Heavy Equipment Operator WG-8	\$21.74/hr.	*
Crew Leader GS-5	\$17.31/hr.	*
Forestry Tech GS-5	\$17.31/hr.	*
Laborer GS-3 or GS-4	\$13.78 or \$15.47/hr.	*

*FRINGE BENEFITS: Life, Accident and Health Insurance and Sick Leave Programs - 5.1 percent of basic hourly rate.

Paid Holidays - 10 per year: New Year's Day, Martin Luther King, Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day

Vacation - 13 days paid vacation per year up to 3 years of service, 20 days after 3 years of service, and 26 after 15 years of service.

Retirement - 7 percent basic hourly rate.

49. LIST OF ATTACHMENTS

The following attachments are made a part of this solicitation and any resultant contract.

Title	Pages
Appendix A – Work Activity Items	9
Appendix B – Timber Removal (Scaled) Specifications Timber Removal (Tree Measurement) Specifications	17 (Scaled) 15 (TM)
Appendix C – Road Maintenance Requirements Drawings for Road Maintenance	20
Service Contract Act Wage Determination (SD) #1979-1157, Revision 61 dated 03/15/2022	4
Service Contract Act Wage Determination (CO) #1976-1351, Revision 65 dated 03/15/2022	4
Service Contract Act Wage Determination (WY) #1979-0948, Revision 62 dated 04/26/2022	4

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50. 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://www.acquisition.gov>
<https://www.acquisition.gov/agar>

REGISTER OF WAGE DETERMINATIONS UNDER THE
SERVICE CONTRACT ACT

By direction of the Secretary of Labor

Daniel W. Simms
Director

Division of Wage
Determinations

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON, D.C. 20210

Wage Determination No.: 1979-0948

Revision No.: 62

Date of Last Revision: 4/26/2022

Note: Contracts subject to the Service Contract Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658.

If the contract is entered into <u>on or after January 30, 2022</u> , or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	<ul style="list-style-type: none">• With certain exceptions, Executive Order 14026 applies to contract.• The contractor must pay all covered workers at least \$15.00 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2022.
If the contract was awarded <u>on or between January 1, 2015 and January 29, 2022</u> , and the contract is <u>not</u> renewed or extended on or after January 30, 2022:	<ul style="list-style-type: none">• With certain exceptions, Executive Order 13658 applies to the contract.• The contractor must pay all covered workers at least \$11.25 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2022.

The applicable Executive Order minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the Executive Orders is available at <https://www.dol.gov/agencies/whd/government-contracts>.

State: Wyoming
Area: Wyoming Statewide

****Fringe Benefits Required Follow the Occupational Listing****

Employed on service contracts for forestry, land management, the cleaning of public use areas and timber inventory services.

OCCUPATION CODE - TITLE**FOOTNOTE RATE**

08010 - Brush/Precommercial Thinner	14 .33***
08040 - Choker Setter	15 .28
08070 - Faller/Bucker	17 .98
08100 - Fire Lookout	13 .33***
08130 - Forestry Equipment Operator	19 .33
08160 - Forestry/Logging Heavy Equipment Operator	22 .83
08190 - Forestry Technician	22 .83
08200 - Forestry Truck Driver	22 .83
08250 - General Forestry Laborer	14 .36***
08280 - Nursery Specialist	19 .81
08310 - Slash Piler/Burner	14 .33***
08340 - Tree Climber	16 .02
08370 - Tree Planter	11 .69***
08400 - Tree Planter, Mechanical	11 .69***

***Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 (\$15.00 per hour) or 13658 (\$11.25 per hour). Please see the Note at the top of the wage determination for more information. Please also note that the minimum wage requirements of Executive Order 14026 and 13658 are not currently being enforced as to contracts or contract-like instruments entered into with the federal government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on federal lands.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors, applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is the victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$4.60 per hour, up to 40 hours per week, or \$184.00 per week or \$797.33 per month

HEALTH & WELFARE EO 13706: \$4.23 per hour, up to 40 hours per week, or \$169.20 per week, or \$733.20 per month*

*This rate is to be used only when compensating employees for performance on an SCA-covered contract also covered by EO 13706, Establishing Paid Sick Leave for Federal Contractors. A contractor may not receive credit toward its SCA obligations for any paid sick leave provided pursuant to EO 13706.

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor, 3 weeks after 8 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (See 29 CFR 4.173)

HOLIDAYS: A minimum of eleven paid holidays per year: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

**** NOTES APPLYING TO THIS WAGE DETERMINATION ****

Under the policy and guidance contained in All Agency Memorandum No. 159, the Wage and Hour Division does not recognize, for section 4(c) purposes, prospective wage rates and fringe benefit provisions that are effective only upon such contingencies as "approval of Wage and Hour, issuance of a wage determination, incorporation of the wage determination in the contract, adjusting the contract price, etc." (The relevant CBA section) in the collective bargaining agreement between (the parties) contains contingency language that Wage and Hour does not recognize as reflecting "arm's length negotiation" under section 4(c) of the Act and 29 C.F.R. 5.11(a) of the regulations. This wage determination therefore reflects the actual CBA wage rates and fringe benefits paid under the predecessor contract.

**** SERVICE CONTRACT ACT DIRECTORY OF OCCUPATIONS ****

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition (Revision 1), dated September 2015, unless otherwise indicated.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE

Standard Form 1444 (SF-1444)

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the

fringe benefits as are determined (See 29 CFR 4.6(b)(2)(i)). Such conforming procedures shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees (See 29 CFR 4.6(b)(2)(ii)). The Wage and Hour Division shall make a final determination of conformed classification, wage rate, and/or fringe benefits which shall be retroactive to the commencement date of the contract (See 29 CFR 4.6(b)(2)(iv)(C)(vi)). When multiple wage determinations are included in a contract, a separate SF-1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order the proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, U.S. Department of Labor, for review (See 29 CFR 4.6(b)(2)(ii)).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF-1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to ensure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.