

Exemption from the Service Contract Act -- Commercial Services (Jan 2005)

By entering into this subcontract, the Seller certifies that:

(a) The services to be performed under the subcontract are commercial -- that is, they are offered and sold regularly to non-Governmental customers, and are provided by the Seller to the general public in substantial quantities in the course of normal business operations;

(b) The services are furnished at prices that are, or are based on, established catalog or market prices;

(c) The service employees who will perform under the subcontract will spend only a small portion of their time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during a subcontract period of performance that is less than a month) servicing the subcontract; and

(d) The Seller uses the same compensation (wage and fringe benefits) plan for service employees under the subcontract as for these employees and for equivalent employees servicing commercial customers.