EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT ACT – MAINTENANCE, CALIBRATION, OR REPAIR OF CERTAIN EQUIPMENT – CERTIFICATION (April 2010)

(a) The offeror shall check the following certification:

CERTIFICATION
The offeror ☐ does ☐ does not certify that:

(1) The items of equipment to be serviced under this Agreement are used regularly for other than Government purposes, and are sold or traded by the offeror (or subcontractor in the case of an exempt subcontractor) in substantial quantities to the general public in the course of normal business operations.

(2) The services will be furnished at prices which are, or are based on, established catalog or market prices for the maintenance, calibration, or repair of equipment.

(i) An "established catalog price" is a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or the offeror, is either published or otherwise available for inspection by customers, and states prices at which sales currently, or were last, made to a significant number of buyers constituting the general public.

(ii) An "established market price" is a current price, established in the usual course of trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or offeror; and

(3) The compensation (wage and fringe benefits) plan for all service employees performing work under the Agreement are the same as that used for these employees and equivalent employees servicing the same equipment of commercial customers.

(b) Certification by the offeror as to its compliance with respect to the Agreement also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services. If the offeror certifies to the conditions in paragraph (a) of this provision, and the Company determines that the Service Contract Act –

(1) Will not apply to this offeror, then the applicable Service Contract Act of 1965 clauses will not be included in any resultant Agreement to this offeror; or

(2) Will apply to this offeror, then the clause Exemption from Application of the Service Contract Act – Maintenance, Calibration, or Repair of Certain Equipment – Requirements will not be included in any resultant Agreement awarded to this offeror, and the offeror may be provided an opportunity to submit a new offer on that basis.

(c) If the offeror does not certify to the conditions in paragraph (a) of this provision –

(1) The clause in this solicitation Exemption from Application of the Service Contract Act – Maintenance, Calibration, or Repair of Certain Equipment – Requirements, will not be included in any resultant Agreement awarded to this offeror; and

(2) The offeror shall notify the Subcontract Administrator as soon as possible, if the Subcontract Administrator did not attach a Service Contract Act wage determination to the solicitation.

(d) The Company may not make an award to the offeror, if the offeror fails to execute the certification in paragraph (a) of this provision or to contact the Subcontract Administrator as required in paragraph (c) of this provision.

Offerer: _____

By: _____

Title: _____

Date: _____