



EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT ACT – CERTAIN SERVICES – CERTIFICATION (April 2010)

(a) The offeror shall check the following certification:

CERTIFICATION

The offeror [] does [] does not certify that:

- (1) The services under the Agreement are offered and sold regularly to non-Governmental customers, and are provided by the offeror (or subcontractor in the case of an exempt subcontract) to the general public in substantial quantities in the course of normal business operations;
(2) The Agreement services are furnished at prices that are, or are based on, established catalog or market prices. 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. An "established market price" is a current price, established in the usual course of ordinary and usual trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or offeror;
(3) Each service employee who will perform the services under the Agreement will spend only a small portion of his or her 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 the Agreement period if the Agreement period is less than a month) servicing the Agreement; and
(4) The offeror uses the same compensation (wage and fringe benefits) plan for all service employees performing work under the Agreement as the offeror uses for these employees and for equivalent employees servicing 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 – Certain Services – Requirements, in this solicitation 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 of this solicitation Exemption from Application of the Service Contract Act – Certain Services – Requirements, will not be included in any resultant Agreement 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: _____