

SOLICITATION / CONTRACT / ORDER FOR COMMERCIAL ITEMS
OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30

1. REQUISITION NUMBER CMDT10-092	PAGE 1 OF 9
2. CONTRACT NO.	3. AWARD/EFFECTIVE DATE 06/21/2010
4. ORDER NUMBER DTMA5P10265	5. SOLICITATION NUMBER
6. SOLICITATION ISSUE DATE	7. FOR SOLICITATION INFORMATION CALL: a. NAME
b. TELEPHONE NUMBER (No collect calls)	8. OFFER DUE DATE/ LOCAL TIME

9. ISSUED BY
 U.S. Merchant Marine Academy (Procurement)
 MMA-5206, Division of Procurement
 Kings Point, NY 11024-1699
 TEL: (516) 773-5258 ext.
 FAX: (516) 773-5251 ext.

10. THIS ACQUISITION IS
 UNRESTRICTED OR SET ASIDE: 100.00% FOR:
 SMALL BUSINESS EMERGING SMALL BUSINESS
 HUBZONE SMALL BUSINESS 8(A)
 SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS
 NAICS:
 SIZE STANDARD:

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED
 SEE SCHEDULE

12. DISCOUNT TERMS

13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)

13b. RATING

14. METHOD OF SOLICITATION
 RFQ IFB RFP

15. DELIVER TO
 U.S. MERCHANT MARINE ACADEMY
 Commandant's Office
 Kings Point, NY 11024-1699
 Attn: Frantze Nell

16. ADMINISTERED BY
 U.S. Merchant Marine Academy (Procurement)
 MMA-5206, Division of Procurement
 Kings Point, NY 11024-1699

17a. CONTRACTOR/OFFEROR
 RWS CORPORATION DBA STAFF MANAGERS PERSONNEL
 34 Walters Avenue
 Syosset, NY 11791
 TELEPHONE NO. (516) 294-7214 ext.

18a. PAYMENT WILL BE MADE BY
 USMMA A/P Branch, AMZ-160
 USMMA A/P Branch, AMZ-160, PO Box 25710
 Oklahoma City, OK 73125

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
 SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
(Use Reverse and/or Attach Additional Sheets as Necessary)					

25. ACCOUNTING AND APPROPRIATION DATA
 - 7010 - 1750MA - 2010 - - 1PDA - - 000007 - 0000 - - 540000 - - - 25305 - 6100 - 6600 -

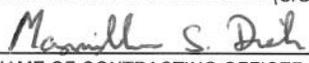
26. TOTAL AWARD AMOUNT (For Govt. Use Only)
 \$ 9,486.40

27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA ARE ARE NOT ATTACHED
 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA ARE ARE NOT ATTACHED

28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN _____ COPIES TO ISSUING OFFICE. 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 HEREIN.

29. AWARD OF CONTRACT: REF. _____ 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)
 Max Diah

31c. DATE SIGNED
 06/21/2010

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT

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
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32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE	32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE
	32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

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

Line Item Summary	Document Number DTMA5P10265	Title TEMP CLERK-cmdt	Page 3 of 9
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Total Funding: \$9,486.40

FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
7010	1750MA	2010		1PDA		000007	0000		540000		
Division	Closed FYs		Cancelled Fund								
25305	6100	6600									

Line Item Number	Description	Delivery Date (Start Date to End Date)	Quantity	Unit of Issue	Unit Price	Total Cost (Includes Discounts)
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DUNS: 804287670
REMIT TO: SAME AS ABOVE

0001	PRIVATE SECTOR TEMPORARY CLERK-		392.00	HR	\$24.200	\$ 9,486.40
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(07/06/2010 to 09/13/2010)

The Contractor shall provide an experienced Temporary Service Clerk I to work in the Department of the Commandant located at the U.S. Merchant Marine Academy, Kings Point, NY. All work shall be performed in accordance with the attached Statement of Work (SOW).

The contract will commence on July 6, 2010 and end on or before September 13, 2010. The work schedule is Monday-Friday, 8:00 a.m. to 4:30 p.m. with one-half hour for lunch. The total amount of work days shall not exceed 49 days or approximately 392 regular hours. Contractor personnel shall be paid only for actual hours worked.

Ref Req No: CMDT10-092

Total Cost: \$9,486.40

CONTACT: Max Diah, Contracting Officer 516-773-5584

INVOICE INQUIRIES: BARBARA MARTOS 405-954-1219

Contract Level Funding Summary	Document Number	Title	Page
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DTMA5P10265

TEMP CLERK-cmdt

4 of 9

- 7010 - 1750MA - 2010 - - 1PDA - - 000007 - 0000 - - 540000 - - - 25305 - 6100 - 6600 -

\$9,486.40

Reference Requisition: CMDT10-092

Total Funding: \$9,486.40

	Document No. DTMA5P10265	Document Title TEMP CLERK-cmdt	Page 5 of 9
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COMMERCIAL CLAUSES

1 52.252-02 CLAUSES INCORPORATED BY REFERENCE

This contract incorporates one or more clauses 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. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://acquisition.gov/far/current/html/FARTOCP52.html>

Clause	Title	Date
52.212-03	Offeror Representations and Certifications - Commercial Items	August 2009
52.212-04	Contract Terms and Conditions--Commercial Items	March 2009

2 52.212-05 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--
COMMERCIAL ITEMS APRIL 2010

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

- (1) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).
Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104(g)).
- (2) 52.233-03, Protest After Award (AUG 1996) (31 U.S.C. 3553).
- (3) 52.233-04, Applicable Law for Breach of Contract Claim (OCT 2004) (Pub. L. 108-77, 108-78)

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer shall check as appropriate.]

- ___ (1) 52.203-06, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).
- ___ (2) 52.203-13, Contractor Code of Business Ethics and Conduct (APR 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).
- ___ (3) 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (MAR 2009) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)
- ___ (4) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (MAR 2009) (Pub. L. 111-5).
- ___ (5) 52.219-03, Notice of Total HUBZone Small Business Set-Aside (Jan 1999) (15 U.S.C 657a).
- ___ (6) 52.219-04, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (JULY 2005) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C 657a).
- ___ (7) [Reserved]
- x (8)(i) 52.219-06, Notice of Total Small Business Set-Aside (June 2003) (15 U.S.C. 644).

	Document No. DTMA5P10265	Document Title TEMP CLERK-cmdt	Page 6 of 9
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- (ii) Alternate I (Oct 1995) of 52.219-6.
- (iii) Alternate II (Mar 2004) of 52.219-6.
- (9)(i) 52.219-07 Notice of Partial Small Business Set-Aside (June 2003) (15 U.S.C. 644).
- (ii) Alternate I (Oct 1995) of 52.219-7.
- (iii) Alternate II (Mar 2004) of 52.219-7.
- (10) 52.219-08, Utilization of Small Business Concerns (May 2004) (15 U.S.C. 637 (d)(2) and (3)).
- (11(i) 52.219-09, Small Business Subcontracting Plan (APR 2008) (15 U.S.C. 637(d)(4)).
- (ii) Alternate I (Oct 2001) of 52.219-9.
- (iii) Alternate II (Oct 2001) of 52.219-9.
- (12) 52.219-14, Limitations on Subcontracting (Dec 1996) (15 U.S.C. 637(a)(14)).
- (13) 52.219-16, Liquidated Damages—Subcontracting Plan (JAN 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- (14)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (OCT 2008) (10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- (ii) Alternate I (June 2003) of 52.219-23.
- (15) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (APR 2008) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- (16) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- (17) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004) (15 U.S.C. 657 f).
- (18) 52.219-28, Post Award Small Business Program Rerepresentation (APR 2009) (15 U.S.C. 632(a)(2)).
- (19) 52.222-03, Convict Labor (June 2003) (E.O. 11755).
- (20) 52.222-19, Child Labor-Cooperation with Authorities and Remedies (AUG 2009) (E.O. 13126).
- (21) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).
- (22) 52.222-26, Equal Opportunity (MAR 2007) (E.O. 11246).
- (23) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEPT 2006) (38 U.S.C. 4212).
- (24) 52.222-36, Affirmative Action for Workers with Disabilities (Jun 1998) (29 U.S.C. 793).
- (25) 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEPT 2006) (38 U.S.C. 4212).
- (26) 52.222-54, Employment Eligibility Verification (JAN 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)
- (27)(i) 52.223-09, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (MAY 2008) (42 U.S.C. 6962(c)(3)(A)(ii)).

	Document No. DTMA5P10265	Document Title TEMP CLERK-cmdt	Page 7 of 9
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___ (ii) Alternate I (MAY 2008) of 52.223-09 (42 U.S.C. 6962(i)(2)(C)).

___ (28) 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007) (42 U.S.C. 8259b).

___ (29)(i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (DEC 2007) (E.O. 13423).

___ (ii) Alternate I (DEC 2007) of 52.223-16.

___ (30) 52.225-01, Buy American Act—Supplies (Feb 2009) (41 U.S.C. 10a-10d).

___ (31)(i) 52.225-03, Buy American Act—Free Trade Agreements—Israeli Trade Act (JUNE 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, and 110-138).

___ (ii) Alternate I (Jan 2004) of 52.225-3.

___ (iii) Alternate II (Jan 2004) of 52.225-3.

___ (32) 52.225-05, Trade Agreements (AUG 2009) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

___ (33) 52.225-13, Restrictions on Certain Foreign Purchases (JUNE 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

___ (34) 52.226-04, Notice of Disaster or Emergency Area Set-Aside (NOV 2007) (42 U.S.C. 5150).

___ (35) 52.226-05, Restrictions on Subcontracting Outside Disaster or Emergency Area (NOV 2007) (42 U.S.C. 5150).

___ (36) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

___ (37) 52.232-30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

(38) 52.232-33, Payment by Electronic Funds Transfer-Central Contractor Registration (Oct 2003) (31 U.S.C. 3332).

(39) 52.232-34, Payment by Electronic Funds Transfer-Other than Central Contractor Registration (May 1999) (31 U.S.C. 3332).

___ (40) 52.232-36, Payment by Third Party (FEB 2010) (31 U.S.C. 3332).

___ (41) 52.239-01, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

___ (42)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631).

___ (ii) Alternate I (Apr 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

(1) 52.222-41, Service Contract Act of 1965 (NOV 2007) (41 U.S.C. 351, et seq.).

___ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

___ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (SEP 2009) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

	Document No. DTMA5P10265	Document Title TEMP CLERK-cmdt	Page 8 of 9
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___ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act--Price Adjustment (SEP 2009) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

___ (5) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (NOV 2007) (41 U.S.C. 351, et seq.).

___ (6) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services— Requirements (FEB 2009) (41 U.S.C. 351, et seq.).

___ (7) 52.226-06, Promoting Excess Food Donation to Nonprofit Organizations (MAR 2009) (Pub. L. 110-247).

___ (8) 52.237-11, Accepting and Dispensing of \$1 Coin (SEPT 2008) (31 U.S.C. 5112(p)(1)).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records--Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in paragraphs (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause--

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (APR 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

(ii) 52.219-08, Utilization of Small Business Concerns (May 2004) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$550,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) [Reserved]

(iv) 52.222-26, Equal Opportunity (MAR 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEPT 2006) (38 U.S.C. 4212).

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (June 1998) (29 U.S.C. 793).

(vii) [Reserved]

(viii) 52.222-41, Service Contract Act of 1965 (NOV 2007)(41 U.S.C. 351, et seq.).

(ix) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).

___ Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104(g)).

	Document No. DTMA5P10265	Document Title TEMP CLERK-cmdt	Page 9 of 9
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(x) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (NOV 2007) (41 U.S.C. 351, et seq.).

(xi) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services-Requirements (FEB 2009) (41 U.S.C. 351, et seq.).

(xii) 52.222-54, Employment Eligibility Verification (JAN 2009)

(xiii) 52.226-06, Promoting Excess Food Donation to Nonprofit Organizations (MAR 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause 52.226-06.

(xiv) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of Clause)

ATTACHMENT 1

0002 GENERAL INFORMATION

- a. Personnel in the employ of the Contractor shall, in the operation of motor vehicles, possess a valid State driver's license and registration, and current insurance certificate.
- b. When the Academy is closed for administrative reasons during the workday or work week, the contractor will not be reimbursed for lost hours. **CONTRACTOR PERSONNEL WILL BE PAID ONLY FOR ACTUAL HOURS WORKED.**
- c. **The wages to be paid employees must be in conformance with the Department of Labor Register of Wage Determination Under the Service Contract Act, Wage Determination NO. 2005-2373, Revision No. 9, dated June 15, 2010. The determined wage rates are minimum rates and Fringe benefits are required to be paid pursuant to the Service Contract Act.**
- d. **For this work effort, the wage rates and fringe benefits applicable to the General Clerk I, (\$14.82 + \$3.50 = \$18.32/hr), applies to this contract.**
- e. The Contractor will take all necessary precautions to avoid injury to persons and damage to property and equipment. Any damage caused to Academy or tenants property or equipment will be the sole responsibility of the Contractor. All damages caused by the Contractor's employees will be repaired or replaced to the satisfaction of the tenant and/or the contracting officer at no additional cost to the Government.
- f. **Contractor Personnel shall be paid for all holidays listed in the DOL wage determination. It is the responsibility of the Contractor to pay for the following holidays:**

Labor Day

WAIVER

The Contractor agrees / X /, does not agree / _ _ /, to waive any and all penalties and/or fees that may become payable by the U.S. Merchant Marine Academy for the hiring of Contractor employee (s), either during, or at the expiration of the term of this contract.

NOTE: THE U.S. MERCHANT MARINE ACADEMY RESERVES THE RIGHT TO TERMINATE THIS CONTRACT FOR THE CONVENIENCE OF THE GOVERNMENT BEFORE THE COMPLETION DATE (SEE ATTACHED CLAUSES).

**STATEMENT OF WORK FOR A TEMPORARY, EXPERIENCED
PRIVATE SECTOR TEMPORARY GENERAL CLERK I TO WORK
AT THE U.S. MERCHANT MARINE ACADEMY, KINGS POINT, NEW YORK**

1. DUTIES AND RESPONSIBILITIES

- a. The Contractor, as an independent Contractor and not as agent of the Government, shall provide the services of a General Clerk I to work in the Commandants Department at the U.S. Merchant Marine Academy, Kings Point, New York, and perform the duties as outlined below:
- (1) Type and review for errors, all requisitions for supplies and services, letters, etc., file, and photocopy.
 - (2) Assist regular office staff in the everyday duties of the office.
 - (3) Receive and redirect all incoming telephone calls to the correct members of the department, or forward calls to proper individuals outside the department.
 - (4) Distribute all incoming mail to the respective members of the department and around campus.
 - (5) Must be proficient and articulate in English to effectively deal with telephone calls and walk-in business.
 - (6) Must have experience with some Microsoft Products (i.e., Works, Word, and Outlook E-mail).
 - (7) Must have knowledge of the Fax machine, photocopier, and electric typewriter (minimum typing speed must be 40 wpm with good accuracy).
 - (8) On occasion, work outside of the normal work shift may be necessary, but will not include overtime.
- b. Contractor shall receive instructions, assignment of tasks, etc. from the Commandant, Deputy Commandant and/or the Midshipman Personnel Officer.
- c. **Compensation** – Payment shall be made within 30 days after receipt of proper invoices. The rate of compensation shall be **\$24.20/hour**. The total contract shall not exceed **\$9,486.40**.

ATTACHMENT 2

WD 05-2373 (Rev.-9) was first posted on www.wdol.gov on 06/22/2010

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

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

Shirley F. Ebbesen Division of
Director Wage Determinations

Wage Determination No.: 2005-2373
Revision No.: 9
Date Of Revision: 06/15/2010

State: New York

Area: New York Counties of Nassau, Suffolk

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		15.11
01012 - Accounting Clerk II		18.82
01013 - Accounting Clerk III		21.41
01020 - Administrative Assistant		30.93
01040 - Court Reporter		21.19
01051 - Data Entry Operator I		14.10
01052 - Data Entry Operator II		15.37
01060 - Dispatcher, Motor Vehicle		25.16
01070 - Document Preparation Clerk		15.56
01090 - Duplicating Machine Operator		15.56
01111 - General Clerk I		14.82
01112 - General Clerk II		16.94
01113 - General Clerk III		18.82
01120 - Housing Referral Assistant		25.69
01141 - Messenger Courier		11.89
01191 - Order Clerk I		19.59
01192 - Order Clerk II		20.45
01261 - Personnel Assistant (Employment) I		18.21
01262 - Personnel Assistant (Employment) II		20.36
01263 - Personnel Assistant (Employment) III		23.27
01270 - Production Control Clerk		23.27
01280 - Receptionist		15.67
01290 - Rental Clerk		17.89
01300 - Scheduler, Maintenance		21.18
01311 - Secretary I		21.18
01312 - Secretary II		24.82
01313 - Secretary III		25.69
01320 - Service Order Dispatcher		20.00
01410 - Supply Technician		30.93
01420 - Survey Worker		20.79
01531 - Travel Clerk I		15.33
01532 - Travel Clerk II		16.61
01533 - Travel Clerk III		18.03
01611 - Word Processor I		17.46
01612 - Word Processor II		20.16
01613 - Word Processor III		21.93
05000 - Automotive Service Occupations		
05005 - Automobile Body Repairer, Fiberglass		27.14
05010 - Automotive Electrician		27.14
05040 - Automotive Glass Installer		26.01
05070 - Automotive Worker		26.01

05110 - Mobile Equipment Servicer	19.81
05130 - Motor Equipment Metal Mechanic	28.38
05160 - Motor Equipment Metal Worker	26.01
05190 - Motor Vehicle Mechanic	28.27
05220 - Motor Vehicle Mechanic Helper	22.05
05250 - Motor Vehicle Upholstery Worker	24.88
05280 - Motor Vehicle Wrecker	26.01
05310 - Painter, Automotive	27.14
05340 - Radiator Repair Specialist	26.01
05370 - Tire Repairer	16.69
05400 - Transmission Repair Specialist	28.27
07000 - Food Preparation And Service Occupations	
07010 - Baker	18.55
07041 - Cook I	16.75
07042 - Cook II	18.23
07070 - Dishwasher	13.67
07130 - Food Service Worker	13.67
07210 - Meat Cutter	22.64
07260 - Waiter/Waitress	14.45
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	21.10
09040 - Furniture Handler	16.03
09080 - Furniture Refinisher	21.10
09090 - Furniture Refinisher Helper	17.91
09110 - Furniture Repairer, Minor	19.40
09130 - Upholsterer	21.10
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	13.67
11060 - Elevator Operator	13.67
11090 - Gardener	18.74
11122 - Housekeeping Aide	15.05
11150 - Janitor	15.70
11210 - Laborer, Grounds Maintenance	15.89
11240 - Maid or Houseman	13.68
11260 - Pruner	14.75
11270 - Tractor Operator	17.86
11330 - Trail Maintenance Worker	15.89
11360 - Window Cleaner	18.07
12000 - Health Occupations	
12010 - Ambulance Driver	24.73
12011 - Breath Alcohol Technician	22.61
12012 - Certified Occupational Therapist Assistant	23.30
12015 - Certified Physical Therapist Assistant	21.63
12020 - Dental Assistant	16.58
12025 - Dental Hygienist	32.86
12030 - EKG Technician	28.08
12035 - Electroneurodiagnostic Technologist	28.08
12040 - Emergency Medical Technician	25.29
12071 - Licensed Practical Nurse I	23.69
12072 - Licensed Practical Nurse II	23.81
12073 - Licensed Practical Nurse III	23.58
12100 - Medical Assistant	16.66
12130 - Medical Laboratory Technician	23.34
12160 - Medical Record Clerk	18.71
12190 - Medical Record Technician	20.55
12195 - Medical Transcriptionist	17.99
12210 - Nuclear Medicine Technologist	35.64
12221 - Nursing Assistant I	13.17
12222 - Nursing Assistant II	14.72
12223 - Nursing Assistant III	15.82
12224 - Nursing Assistant IV	16.08

12235 - Optical Dispenser	23.60
12236 - Optical Technician	15.46
12250 - Pharmacy Technician	15.87
12280 - Phlebotomist	23.02
12305 - Radiologic Technologist	28.08
12311 - Registered Nurse I	32.07
12312 - Registered Nurse II	37.21
12313 - Registered Nurse II, Specialist	37.21
12314 - Registered Nurse III	46.90
12315 - Registered Nurse III, Anesthetist	46.90
12316 - Registered Nurse IV	56.19
12317 - Scheduler (Drug and Alcohol Testing)	26.17
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	26.50
13012 - Exhibits Specialist II	31.89
13013 - Exhibits Specialist III	40.66
13041 - Illustrator I	28.35
13042 - Illustrator II	33.23
13043 - Illustrator III	40.66
13047 - Librarian	37.25
13050 - Library Aide/Clerk	15.79
13054 - Library Information Technology Systems Administrator	31.89
13058 - Library Technician	25.62
13061 - Media Specialist I	22.22
13062 - Media Specialist II	24.75
13063 - Media Specialist III	27.46
13071 - Photographer I	20.66
13072 - Photographer II	24.62
13073 - Photographer III	32.88
13074 - Photographer IV	44.26
13075 - Photographer V	50.85
13110 - Video Teleconference Technician	22.73
14000 - Information Technology Occupations	
14041 - Computer Operator I	18.85
14042 - Computer Operator II	21.07
14043 - Computer Operator III	23.58
14044 - Computer Operator IV	26.13
14045 - Computer Operator V	28.92
14071 - Computer Programmer I	(see 1) 26.22
14072 - Computer Programmer II	(see 1)
14073 - Computer Programmer III	(see 1)
14074 - Computer Programmer IV	(see 1)
14101 - Computer Systems Analyst I	(see 1)
14102 - Computer Systems Analyst II	(see 1)
14103 - Computer Systems Analyst III	(see 1)
14150 - Peripheral Equipment Operator	18.85
14160 - Personal Computer Support Technician	26.13
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	37.07
15020 - Aircrew Training Devices Instructor (Rated)	43.48
15030 - Air Crew Training Devices Instructor (Pilot)	51.11
15050 - Computer Based Training Specialist / Instructor	37.07
15060 - Educational Technologist	35.73
15070 - Flight Instructor (Pilot)	51.11
15080 - Graphic Artist	30.28
15090 - Technical Instructor	32.16
15095 - Technical Instructor/Course Developer	39.22
15110 - Test Proctor	25.56
15120 - Tutor	25.56
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	

16010 - Assembler	11.15
16030 - Counter Attendant	11.15
16040 - Dry Cleaner	13.72
16070 - Finisher, Flatwork, Machine	11.15
16090 - Presser, Hand	11.15
16110 - Presser, Machine, Drycleaning	11.15
16130 - Presser, Machine, Shirts	11.15
16160 - Presser, Machine, Wearing Apparel, Laundry	11.15
16190 - Sewing Machine Operator	14.57
16220 - Tailor	15.39
16250 - Washer, Machine	12.09
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	20.87
19040 - Tool And Die Maker	24.46
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	16.96
21030 - Material Coordinator	22.40
21040 - Material Expediter	22.40
21050 - Material Handling Laborer	14.62
21071 - Order Filler	16.34
21080 - Production Line Worker (Food Processing)	16.96
21110 - Shipping Packer	15.28
21130 - Shipping/Receiving Clerk	15.28
21140 - Store Worker I	14.45
21150 - Stock Clerk	18.11
21210 - Tools And Parts Attendant	16.96
21410 - Warehouse Specialist	16.96
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	26.94
23021 - Aircraft Mechanic I	25.93
23022 - Aircraft Mechanic II	26.94
23023 - Aircraft Mechanic III	27.93
23040 - Aircraft Mechanic Helper	20.95
23050 - Aircraft, Painter	24.75
23060 - Aircraft Servicer	23.17
23080 - Aircraft Worker	23.91
23110 - Appliance Mechanic	21.10
23120 - Bicycle Repairer	17.94
23125 - Cable Splicer	35.97
23130 - Carpenter, Maintenance	30.97
23140 - Carpet Layer	24.76
23160 - Electrician, Maintenance	37.18
23181 - Electronics Technician Maintenance I	23.44
23182 - Electronics Technician Maintenance II	27.39
23183 - Electronics Technician Maintenance III	28.51
23260 - Fabric Worker	23.47
23290 - Fire Alarm System Mechanic	21.92
23310 - Fire Extinguisher Repairer	22.51
23311 - Fuel Distribution System Mechanic	29.94
23312 - Fuel Distribution System Operator	24.73
23370 - General Maintenance Worker	24.67
23380 - Ground Support Equipment Mechanic	25.93
23381 - Ground Support Equipment Servicer	23.17
23382 - Ground Support Equipment Worker	23.91
23391 - Gunsmith I	22.51
23392 - Gunsmith II	25.12
23393 - Gunsmith III	27.25
23410 - Heating, Ventilation And Air-Conditioning Mechanic	25.29
23411 - Heating, Ventilation And Air Contditioning Mechanic (Research Facility)	26.30

23430 - Heavy Equipment Mechanic	24.95
23440 - Heavy Equipment Operator	32.56
23460 - Instrument Mechanic	29.17
23465 - Laboratory/Shelter Mechanic	26.21
23470 - Laborer	15.95
23510 - Locksmith	21.10
23530 - Machinery Maintenance Mechanic	23.95
23550 - Machinist, Maintenance	21.92
23580 - Maintenance Trades Helper	17.71
23591 - Metrology Technician I	29.17
23592 - Metrology Technician II	30.31
23593 - Metrology Technician III	29.77
23640 - Millwright	26.52
23710 - Office Appliance Repairer	21.80
23760 - Painter, Maintenance	26.70
23790 - Pipefitter, Maintenance	32.44
23810 - Plumber, Maintenance	31.23
23820 - Pneudraulic Systems Mechanic	27.25
23850 - Rigger	23.53
23870 - Scale Mechanic	25.12
23890 - Sheet-Metal Worker, Maintenance	29.81
23910 - Small Engine Mechanic	20.92
23931 - Telecommunications Mechanic I	30.91
23932 - Telecommunications Mechanic II	32.20
23950 - Telephone Lineman	33.44
23960 - Welder, Combination, Maintenance	21.92
23965 - Well Driller	22.73
23970 - Woodcraft Worker	27.25
23980 - Woodworker	18.57
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	13.05
24580 - Child Care Center Clerk	16.30
24610 - Chore Aide	12.79
24620 - Family Readiness And Support Services Coordinator	14.89
24630 - Homemaker	16.85
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	28.06
25040 - Sewage Plant Operator	24.09
25070 - Stationary Engineer	28.06
25190 - Ventilation Equipment Tender	21.56
25210 - Water Treatment Plant Operator	25.53
27000 - Protective Service Occupations	
27004 - Alarm Monitor	18.81
27007 - Baggage Inspector	17.35
27008 - Corrections Officer	30.97
27010 - Court Security Officer	30.31
27030 - Detection Dog Handler	20.36
27040 - Detention Officer	30.97
27070 - Firefighter	28.96
27101 - Guard I	17.35
27102 - Guard II	20.36
27131 - Police Officer I	32.37
27132 - Police Officer II	35.94
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	15.96
28042 - Carnival Equipment Repairer	16.75
28043 - Carnival Equipment Worker	13.67
28210 - Gate Attendant/Gate Tender	14.99
28310 - Lifeguard	13.30
28350 - Park Attendant (Aide)	16.78

28510 - Recreation Aide/Health Facility Attendant	18.95
28515 - Recreation Specialist	20.80
28630 - Sports Official	13.35
28690 - Swimming Pool Operator	20.98
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	25.12
29020 - Hatch Tender	25.12
29030 - Line Handler	25.12
29041 - Stevedore I	23.84
29042 - Stevedore II	29.86
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	39.50
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	27.24
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	30.00
30021 - Archeological Technician I	22.43
30022 - Archeological Technician II	26.50
30023 - Archeological Technician III	31.09
30030 - Cartographic Technician	29.15
30040 - Civil Engineering Technician	25.14
30061 - Drafter/CAD Operator I	19.31
30062 - Drafter/CAD Operator II	26.50
30063 - Drafter/CAD Operator III	29.42
30064 - Drafter/CAD Operator IV	31.09
30081 - Engineering Technician I	19.98
30082 - Engineering Technician II	22.47
30083 - Engineering Technician III	25.28
30084 - Engineering Technician IV	31.22
30085 - Engineering Technician V	38.08
30086 - Engineering Technician VI	46.20
30090 - Environmental Technician	21.10
30210 - Laboratory Technician	21.10
30240 - Mathematical Technician	31.09
30361 - Paralegal/Legal Assistant I	22.19
30362 - Paralegal/Legal Assistant II	27.47
30363 - Paralegal/Legal Assistant III	33.62
30364 - Paralegal/Legal Assistant IV	40.67
30390 - Photo-Optics Technician	28.11
30461 - Technical Writer I	25.56
30462 - Technical Writer II	31.28
30463 - Technical Writer III	39.84
30491 - Unexploded Ordnance (UXO) Technician I	25.11
30492 - Unexploded Ordnance (UXO) Technician II	30.38
30493 - Unexploded Ordnance (UXO) Technician III	36.41
30494 - Unexploded (UXO) Safety Escort	25.11
30495 - Unexploded (UXO) Sweep Personnel	25.11
30620 - Weather Observer, Combined Upper Air Or Surface Programs	(see 2) 26.78
30621 - Weather Observer, Senior	(see 2) 27.05
31000 - Transportation/Mobile Equipment Operation Occupations	
31020 - Bus Aide	16.40
31030 - Bus Driver	19.89
31043 - Driver Courier	16.72
31260 - Parking and Lot Attendant	9.96
31290 - Shuttle Bus Driver	17.70
31310 - Taxi Driver	13.37
31361 - Truckdriver, Light	17.75
31362 - Truckdriver, Medium	18.76
31363 - Truckdriver, Heavy	23.80
31364 - Truckdriver, Tractor-Trailer	23.80
99000 - Miscellaneous Occupations	
99030 - Cashier	18.74

99050 - Desk Clerk	12.98
99095 - Embalmer	27.84
99251 - Laboratory Animal Caretaker I	15.21
99252 - Laboratory Animal Caretaker II	15.97
99310 - Mortician	34.64
99410 - Pest Controller	18.15
99510 - Photofinishing Worker	14.75
99710 - Recycling Laborer	17.98
99711 - Recycling Specialist	20.33
99730 - Refuse Collector	21.17
99810 - Sales Clerk	14.70
99820 - School Crossing Guard	15.04
99830 - Survey Party Chief	26.11
99831 - Surveying Aide	15.32
99832 - Surveying Technician	20.21
99840 - Vending Machine Attendant	23.41
99841 - Vending Machine Repairer	25.44
99842 - Vending Machine Repairer Helper	21.46

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.50 per hour or \$140.00 per week or \$606.67 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, 4 weeks after 15 years, and 5 weeks after 25 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. (Reg. 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, Good Friday, Memorial 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)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage

determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

- (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- (4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** 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.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

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. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (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 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, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 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 insure 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.