

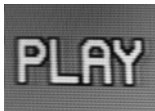
## 2. 4 Acts and Regulations

### Lesson Goals

- To introduce students to Acts and Regulations those small businesses and individuals need to be aware of.

### Start Video

- Please watch the video now – Lesson 2.4 Acts and Regulations
- Use the following pages to take notes.



### Small Business Reauthorization Act of 1997

- Contract Bundling = Combination of two or more small contracts into one large contract.
- Require that agencies conduct market research before bundling a contract.

Notes:

### Equal Employment Opportunity

- Must be incorporated into all prime contracts and subcontracts over \$\_\_\_\_\_.
- Contractors are:
  - Prohibited against discriminating against any employee or applicant for employment on the basis of race, color, religion, sex, or national origin; and
  - Required to take affirmative action to ensure non-discriminating employment practices  
Not only hiring practices but practices related to hiring, i.e., promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training or apprenticeship.

**Notes:**

### Affirmative Action Plans

- Non-construction prime contracts and subcontractors with
  - \_\_\_\_\_+ employees
  - either non-exempt contracts or subcontracts of >\$\_\_\_\_\_ or Government bills of lading expected to exceed \$\_\_\_\_\_ in a year
  - must have an affirmative action program for each of their establishments complete with detailed goals and timetables.

**Notes:**

### One Florida Plan

- One Florida Plan  
<http://www.dca.state.fl.us/oneflorida/index.cfm>
- Developed in an effort to \_\_\_\_\_ diversity and opportunities in state contracting without using \_\_\_\_\_ policies.

**Notes:**

### Non-Discrimination Requirements

- All contracts over \$10,000 except those where the work is done outside the United States by employees who were recruited outside the United States, must include clauses regarding nondiscrimination based on Title VII of the Civil Rights Act, Executive Order 11141, the Americans with Disabilities Act, the Federal Rehabilitation Act of 1973 and the Vietnam Era Veterans Readjustment Assistance Act.
- Title VII makes it unlawful for employers with 15 or more employees to discriminate on the basis of race, color, religion, sex or national origin
- Executive Order 11141 protects individuals from discrimination based on age. (Over 40)
- Contract clauses in age discrimination are not required, however, the FAR mandates that agencies bring this policy to the attention of contractors and request compliance if complaints are made.
- The Americans with Disabilities Act “mandates strict personnel rules so that the disabled can be assured of fair employment practices and reasonable work accommodations.

- The Federal Rehabilitation Act and the Vietnam Era Veterans Readjustment Assistance Act ensure affirmative action for employment and advancement for qualified persons.

**Notes:**

#### Administration and Enforcement

- Office of Federal Contract Compliance Programs (OFCCP)
- Sanctions if OFCCP finds violations
  - Publication of the name of the contractor or its union
  - Cancellation, termination, or suspension of all (or part) of the contractor's contracts.
  - \_\_\_\_\_ of the contractor.
  - Referral to the Department of \_\_\_\_\_ or the EEOC.

**Notes:**

### Fair Labor Standards Act

- Establishes \_\_\_\_\_ wage, \_\_\_\_\_ pay, recordkeeping and child labor standards affecting full- and part-time workers in the private sector and in Federal, State, and local governments.
- Covered nonexempt workers are entitled to at least the minimum wage
- Overtime pay at a rate of not less than one and one-half times their regular rates of pay is required after \_\_\_\_\_ hours of work in a work week.
- <http://www.dol.gov/esa/whd/flsa/>

**Notes:**

### Walsh-Healey Act

- Coverage
  - Prime contractors with contracts >\$10,000 to manufacture or furnish materials, supplies, articles, and equipment.
- See for complete details  
<http://www.dol.gov/compliance/laws/comppca.htm>
- Administration and Enforcement
  - Secretary of Labor
  - Penalties
    - Termination of the contract for default and charging the contractor for the excess costs of re-procurement
    - Debarring the contractor from contracting with the Government for up to \_\_\_\_ years.
    - Assessing damages in the amount of unpaid wages plus liquidated damages of \$\_\_\_\_per day for each underage worker or convict improperly employed.

**Notes:**

### Service Contract Act

- Coverage
  - Establishes labor standards for \_\_\_\_\_ contracts
  - For contracts >\$\_\_\_\_\_ must contain
    - Minimum wages
    - Fringe benefits
    - Safe \_\_\_\_\_ conditions
    - Notification to employees of minimum allowable compensation
    - Equivalent federal employee classifications and wage rates
  - Does not apply to service contracts that are performed:
    - Exclusively by executive-level, administrative, or professional personnel, or
    - Primarily by bona fide executive, administrative, or professional employees when service employees are only a minor factor in the performance of the contract.

**Notes:**

Service Contract Act – Cont'd

- Excludes:
  - Contracts for construction, alteration, or repair of public buildings,
  - Supply contracts covered by the Walsh-Healey Act,
  - \_\_\_\_\_ contracts
  - Communications contracts
  - Contracts for \_\_\_\_\_ services or for operating postal contract stations, and
  - Contracts for individual personnel services.
- Administration & Enforcement
  - Secretary of Labor
  - Sanctions
    - Withholding \_\_\_\_\_
    - Debarment

**Notes:**

### Buy American Act

- Provide an advantage to “domestic end products” and “domestic construction materials”
- Restrict the Government’s purchase of supplies for use in the US to “domestic end products.”
  - “Domestic end product” is an un-manufactured end product mined or produced in the US or an end product manufactured in the US, if the cost of its components mined, produced, or manufactured in the US exceeds 50% of the cost of all of its components.
- Contracting Officer (CO) can acquire a foreign end product if:
  - The agency head grants a \_\_\_\_\_,
  - The end product is not mined, produced, or manufactured in the US in sufficient and reasonably available commercial quantities or satisfactory quality, or
  - The \_\_\_\_\_ of the domestic end product is unreasonable if, after the addition of an evaluative factor to a foreign offer, the domestic offer is still more expensive.

### Balance of Payment Program

- Restricts Government's
  - Purchase of supplies that are not domestic end products for use outside the US, and
  - Use of construction materials that are not domestic for performance of construction contracts outside the US.

### Trade Agreements Act

- Promotes nondiscrimination in Government procurement by allowing the President to waive discriminatory laws, such as the BAA, for certain categories of goods coming from certain designated countries.
- TAA bars Government from purchasing noncompliant goods.
  - \_\_\_\_\_ application of the Buy American Act and the Balance of Payments Program to the end products and construction materials of designated countries and
  - \_\_\_\_\_ purchase in acquisitions subject to the TAA to US-made end products or eligible products unless offers for such end products either are not received or are insufficient to fulfill the requirements.

### Other Preferences

- Several additional statutes, international agreements, and regulations impose further requirements and preferences for products from foreign sources
  - Caribbean Basin Economic Recovery Act, NAFTA, DoD Memoranda, US-EU Memoranda, Israeli Trade Act
- Compliance
  - \_\_\_\_\_ must file documentation certifying the country of origin of the products they play to supply the Government

### Other Requirements

- Environmental Protection Requirements
  - FAR 25.3
- Drug-Free Workplace Requirements
  - FAR 23.504
- Immigration Law Hiring Restrictions

**Notes:**



**Mini-Lab**

Review the laws and programs listed in this handout. Make a checkmark next to those that apply to your business.

	<b>Listing of Acts / Programs in this Lesson</b>
	Affirmative Action Plan
	Americans with Disabilities Act
	Balance of Payments Program
	Buy American Act
	Drug Free Workplace Requirements
	Environmental Protection Requirements
	Equal Employment Opportunity Clause
	Executive Order 11141
	Fair Labor Standards Act
	Federal Rehabilitation Act of 1973
	Immigration Law Hiring Restrictions
	Non Discrimination Clauses
	One Florida
	Service Contract Act
	Small Business Reauthorization Act of 1997
	Title VII Civil Rights Act
	Trade Agreements Act
	Vietnam Era Veterans Readjustment Assistance Act
	Walsh Healey Act

Visit the following websites and write down one key point or item you want to remember from each site:

- <http://www.dol.gov/esa/whd/flsa/>

Key Point

- <http://www.dol.gov/compliance/laws/comp-pca.htm>

Key Point

- <http://www.dca.state.fl.us/oneflorida/index.cfm>

Key Point

References

- FAR
- DFARS
- USC Code
- CFR
- *Government Contract Guidebook*, Donald P. Arnavas, Thompson-West, 2001.