22.1021 Request for hearing.

(a) A *contracting* agency or other interested party *may* request a hearing on an issue presented in 22.1013(a). To obtain a hearing for the *contracting* agency, the *contracting officer shall* submit a written request through appropriate channels (ordinarily the *agency labor advisor*) to—

Administrator, *Wage and Hour Division*

U.S. Department of Labor

Washington, DC 20210

(b) A request for a substantial variance hearing *shall* include sufficient data to show that the rates at issue vary substantially from those prevailing for similar services in the locality. The request *shall* also include-

(1) The number of the *wage determinations* at issue;

(2) The name of the *contracting* agency whose contract is involved;

(3) A brief description of the services to be performed under the contract;

(4) The status of the *procurement* and any estimated *procurement* dates, such as bid opening, contract award, and commencement date of the contract or its follow-up *option* period;

(5) A statement of the applicant's case, setting forth in detail the reasons why the applicant believes that a substantial variance exists with respect to some or all of the wages and/or fringe benefits;

(6) Names and addresses (to the extent known) of interested parties; and

(7) Any other data required by the *Administrator*.

(c) A request for an arm's length hearing *shall* include-

(1) A statement of the applicant's case, setting forth in detail the reasons why the applicant believes that the wages and fringe benefits contained in the collective bargaining agreement were not reached as a result of arm's length negotiations;

(2) A statement regarding the status of the *procurement* and any estimated *procurement* dates, such as bid opening, contract award, and commencement date of the contract or its follow-up *option* period; and

(3) Names and addresses (to the extent known) of interested parties.

(d) Unless the *Administrator* determines that extraordinary circumstances exist, the *Administrator* will not consider requests for a hearing unless received as follows:

(1) For sealed bid contracts, more than 10 days before the award of the contract; or

(2) For negotiated contracts and for contracts with provisions exceeding the initial term by *option*, before the commencement date of the contract or the follow-up *option* period.

Parent topic: Subpart 22.10 - Service Contract Labor Standards