52.222-48 Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Certification.

As prescribed in 22.1006(e)(1), insert the following provision:

Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Certification (*May* 2014)

(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 contract 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 contract 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 contract 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 *Contracting Officer* determines in accordance with FAR 22.1003-4(c)(3) that the Service Contract Labor Standards statute-

(1) Will not apply to this *offeror*, then the Service Contract Labor Standards clause in this *solicitation* will not be included in any resultant contract to this *offeror*; or

(2) Will apply to this *offeror*, then the clause at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain

Equipment-Requirements, in this *solicitation* will not be included in any resultant contract 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* at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements, will not be included in any resultant contract awarded to this *offeror*; and

(2) The *offeror shall* notify the *Contracting Officer* as soon as possible, if the *Contracting Officer* did not attach a Service Contract Labor Standards wage determination to the *solicitation*.

(d) The *Contracting Officer 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 *Contracting Officer* as required in paragraph (c) of this provision.

(End of provision)

Parent topic: 52.222 [Reserved]