

**EXEMPTION FROM APPLICATION OF SERVICE CONTRACT ACT PROVISIONS FOR
OTHER SPECIFIC SERVICES**

A. The following certification shall be checked by the offeror:

CERTIFICATION

The offeror certifies_____, does not certify_____, that--

- (1) The services under this subcontract are commercial, i.e., they are offered and sold regularly to non-Governmental customers and are provided by the subcontractor to the general public in substantial quantities in the course of normal business operations;
- (2) The subcontract services are furnished at prices which 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 Subcontractor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently, or were last, made to a significant number of Procurement Representatives constituting the general public. An "established market price" is a current price, established in the usual course of trade between Procurement Representatives and sellers free to bargain, which can be substantiated through competition or from sources independent of the manufacturer or Contractor; and
- (3) The Subcontractor utilizes the same compensation (wage and fringe benefits) plan for all service employees performing work under the subcontract as the subcontractor uses for equivalent employees servicing commercial customers.
- (4) Each service employee who will perform services under the subcontract 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 subcontract period if the subcontract period is less than a month) servicing the subcontract.

B. If a negative certification is made and a Service Contract Act wage determination is not attached to the solicitation, the Subcontractor shall notify the BSRA Procurement Representative as soon as possible.

C. Failure to execute the certification in paragraph (a) of this clause or to contact the BSRA Procurement as required in paragraph (b) of this clause may render the offer nonresponsive.

Subcontractor

Name

Signature

Date