

PART 22

APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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22.001 Definition.

"Labor advisor" means:

(1) Directorate of Procurement, MMPPP, for all matters except those involving contracts administered by DCMC;

(2) Directorate of Contract Management, AQOG, for matters involving contracts administered by DCMC.

SUBPART 22.1 - BASIC LABOR POLICIES

22.101 Labor relations.

22.101-1 General.

(a) For contracts administered by DCMC, the Industrial Labor Relations Officer (ILRO) in the Directorate of Contract Management within each DCMD provides services to contracting officers in accordance with DLA Directive 5000.4, Contract Management ("The One Book"), Part VI, Chapter 18. For contracts not administered by DCMC, contact the labor advisor to determine if ILRO services can be obtained through the Directorate of Contract Management, AQOG.

(90) Whenever labor representatives request permission to enter a DLA installation on which private contract employees are engaged in contract work to conduct union business during working hours, the commanding officer may admit such representatives, provided: the presence and activities of the labor representatives will not interfere with the progress of the contract work involved; and the entry of such representatives to the installation shall not violate pertinent safety or security regulations. Commanding officers shall take all necessary action to enforce the above policy and facilitate ready access to worksites within military installations. One method which has met with success in appropriate situations is the maintenance by commanding officers of a list of labor representatives who have been cleared with regard to safety and security considerations and who may be admitted into respective installations to conduct union business. The determination as to who are appropriate labor representatives should be made by the commanding officer on recommendation of the contracting officer and after consultation with local union officials. Business offices or desk space for labor organizations for solicitation of membership, collection of dues, or other business of the labor organization not directly connected with the contract work, shall not be permitted on the installation except for the routine functions of the working steward whose union duties are incidental to the steward's assigned job. In the event that a commanding officer of an installation or the contracting officer or representative of the contracting officer denies entry to a labor representative for any reason, such officer shall notify, through channels, Headquarters DLA, ATTN: MMPPP. Such notification shall include the reasons for denial, including names, addresses of representatives denied entry, and union affiliation, if known, of such representatives.

22.103-4 Approvals.

(a) The approving official for contractor's requests for overtime is the chief of the contracting office.

22.103-5 Contract clauses.

(90) The clause at 52.222-9000, Davis-Bacon Act - Price Adjustment shall be included in contracts for installation support and maintenance and repair containing option or multiyear provisions.

SUBPART 22.4 - LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

22.404-3 Procedures for requesting wage determinations.

(b) The office responsible for the preparation of specifications or award of contracts shall initiate the request. Send the original SF 308, Request for Wage Determination and Response to Request, to the Department of Labor with a copy to Headquarters DLA, ATTN: MMPPP.

22.406-8 Investigations.

(d) Contracting officer's report. (1) For all contracts except those administered by DCMC, forward the report to HQ DLA, ATTN: MMPPP. For contracts administered by DCMC, forward the report to Defense Contract Management Command, AQOG. Forward the recommendations of the HCA with the report.

SUBPART 22.6 - WALSH-HEALEY PUBLIC CONTRACTS ACT

22.608-4 Award pending final determination.

(a) The authority granted in FAR 22.608-4(a) is exceptional and should be used on a limited basis. For DLA contracting offices not designated as contracting activities pursuant to DFARS 202.101 (see 2.101), the authority to approve the contracting officer's certification is delegated to the chief of the contracting office.