

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Business Center
Denver Federal Center, Building 50
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In Reply Refer To:
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September 7, 1999

EMS TRANSMISSION

Instruction Memorandum No. BC-99-066

Expires 9/30/2000

To: All Washington Office and Field Officials
Attn: Procurement Staff

From: Director, National Business Center

Subject: Electronic Service Contract Act (SCA) and Davis-Bacon (DB) Wage Rates

DD: 9/30/99

Policy: This instruction memorandum provides instructions for training in the use of the electronic web-based SCA wage rate system. No training is required to use the electronic DB wage rate system.

Instruction: In the past, the process to obtain SCA wage rates was very cumbersome, inefficient, and costly because the wage rates were not electronic. You completed a paper SF-98 (Notice of Intention to Make a Service Contract and Response to Notice) and SF-98a (Continuation Sheet) and sent the forms to the Department of Labor (DOL) approximately three months prior to when you planned to issue a solicitation. You obtained DB wage rates for construction contracts from a subscription that you had to manually update.

Beginning in FY 2000, these processes will change. There will be one Department of the Interior (DOI) subscription to electronic SCA and DB wage rates beginning October 1, 1999. Most SCA and DB wage rates will be obtained from a National Technical Information Services (NTIS) FedWorld web site. Only DOI employees who have been provided a user identification (ID) and password will have access to the sites. Your ID and password will be provide to you prior to October 1, 1999 if you have certified that you have completed required training.

The process for obtaining DB wage rates is the same as the past process. However, you will no longer need to manually post updates. When accessing these wage rates from the web you will be able to print the selected wage rate or save the information to a file and incorporate the electronic text into another electronic document.

SCA wage rates are not always readily available for a specific category of work in a specific locality. Therefore, there will still be times when you must request SCA wage rates from the DOL. The DOL also requires you to complete and submit a SF-98 to them when SCA wage rates are obtained from the NTIS FedWorld web site.

The attached Memorandum of Understanding (MOU) between the DOI and the DOL to use the SCA wage determination database has been signed. The MOU requires that all SCA on-line users receive training approved by the DOL. The estimated number of users for your State or Center is listed in the MOU. SCA users will obtain self-study training by accessing a user's guide on the DOI Internet site.

Policy: All SCA Wage Determination Database users must complete the required training prior to September 30, 1999. The training consists of thoroughly studying the user's guide that can be accessed at the following address:

<http://www.doi.gov/pam/usersgde.htm>

After completion of the training, you must certify completion of training to your State/Center Procurement Analyst. Your certification may be an e-mail message that states that you have completed a thorough review of the user's guide and the date that you completed the review.

The State/Center Procurement Analysts shall consolidate the training certifications and provide a list of all individuals completing the training, and the dates completed, to the Bureau Labor Advisor (Larry Keller, BC-680B). The State/Center Procurement Analyst's consolidated list should be in a WordPerfect attachment with the e-mail message.

The Bureau Labor Advisor will provide the user ID and password to the State/Center Procurement Analysts following receipt of the State/Center consolidated list of training certifications.

If you have any question, please contact Larry Keller, Procurement Analyst/Bureau Labor Advisor (BC-680B), at 303-236-9455.

Signed:
Dennis Sykes
Director, National Business Center

Authenticated by:
Lynne J. Lotvedt
Staff Assistant

1 Attachment

1 - DOI/DOL Memorandum of Understanding (14 pp)

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF THE INTERIOR
AND THE U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
REGARDING USE OF
SERVICE CONTRACT WAGE DETERMINATION
DATABASE BY MEANS OF NTIS FedWorld

This memorandum defines the procedures to be used in implementing an interim pilot program that will permit designated contracting offices under defined conditions to select, download, and use Service Contract Act (SCA) wage determinations by means of the National Technical Information Service's (NTIS) FedWorld System.

INTRODUCTION

On October 26, 1993, President Clinton issued a Memorandum to the Heads of Executive Departments and Agencies directing Federal Departments and Agencies to undertake a number of actions designed to promote electronic commerce throughout the Federal Government. This Directive is predicated in large measure upon the Findings and Recommendations of the National Performance Review (NPR).

The NPR specifically outlines the expansion of electronic commerce through the Department of Labor's (DOL) application of information technology to expedite wage determinations for Federal service contracts. The NPR specifically recommended that DOL "develop an electronic data interchange/data mapping (EDI/DM) system and integrate it into the Service Contract Act wage determination process." Towards this objective, the DOL has undertaken initiatives to develop an electronic data interchange (EDI) data mapping system. The DOL's EDI system will be implemented by first utilizing the electronic mail capabilities of the Internet and later the government-wide Federal Acquisition Network (FACNET). The DOL and the Department of the Air Force agree that an EDI/DM system offers the most efficient and effective process for requesting and issuing SCA wage determinations, and the parties to this MOU are committed to the implementation of an EDI/DM system.

As a prelude to the full-scale implementation of an EDI SCA wage request process, an interagency task group was established to identify SCA performance needs. The task force recommended that the NTIS FedWorld system be used to provide access to SCA wage determinations as an interim measure while DOL's SCA EDI design and implementation planning proceeds. The parties to this MOU emphasize that this is an **interim** measure, and it is not intended to replace or in any way diminish commitment to the full scale implementation of the EDI/DM system.

Under the FedWorld procedures, the contracting agencies will be permitted to obtain SCA wage determinations for specific procurements set forth below. The intent of this MOU is to authorize immediate access on the part of contracting agencies to "official" SCA wage determinations while simultaneously alleviating the demand upon DOL staff resources through a

reduction in the number of individual SCA wage determination requests submitted to the Wage and Hour Division.

A committee, consisting of representatives from DOL and participating procurement agencies will monitor the implementation of this MOU. The committee will ascertain the extent to which the MOU promotes the following objectives: (1) protection of statutory labor standards; (2) issuance of more timely wage determinations; (3) proper implementation of these wage determinations by the parties to the agreement; and (4) reduced paperwork. Committee personnel may obtain data from contracting officers and DOL staff involved to facilitate procedural modifications. Data to be collected and analyzed may include, but not be limited to the number of NTIS-accessed wage contracts covered by these requests, extent of coverage of contracts, and time and labor benefits for both the procurement agencies and the DOL. Agencies will train contracting officers in the use of NTIS-SCA access before the contracting officers may use such wage determinations in their procurement.

TERMS OF AGREEMENT

Eligibility to utilize NTIS-accessed wage determinations is to commence upon completion of the agency-designed and DOL approved training plan. The agency training plan shall be submitted to DOL and cover each office that contemplates the use of NTIS-accessed wage determinations within their solicitations. The agency will certify its completion of NTIS-access training of contracting agency personnel to be involved, and establishment of a continuing training capability to account for normal staff turnover. All agencies that agree to the terms and conditions of this agreement also agree that participation in this program will eliminate participation in the blanket program or in any other pilot projects.

Participating agencies must continue to submit individual SF-98's for contracts involving the following situations:

- a. Solicitations where any service employees of a predecessor (incumbent) contractor was subject to a collective bargaining agreement (CBA), or where any service employees, although not covered by the CBA, were subject to the minimum rates and fringe benefits of a predecessor's contract pursuant to section 4© of the SCA.
- b. Any solicitation for which the FedWorld system does not contain an appropriate wage determination or for which wage determinations omit a principal occupation to be employed on the contract.

Any solicitation for which there is any question regarding labor standards coverage, requesting offices should contact their agency labor advisor.

The United States Department of the Interior, its bureau and office contracting activities identified in the attached Training Plan, as a participating procurement agency group will follow the procedures set forth below:

- a. The contracting office will obtain the appropriate SCA wage determination by

accessing the NTIS SCA Database no more than 15 days prior to the issuance of solicitation (IFB or RFP), exercise of option, contract extension, or contract modification.

- b. The contracting office will forward a completed SF-98, NOTICE OF INTENTION TO MAKE A SERVICE CONTRACT AND RESPONSE TO NOTICE and SF-98a to the Administrator, Wage and Hour Division, on or before the issuance of the solicitation. In addition to completing the usual sections of the SF-98, the contracting office will complete the RESPONSE TO NOTICE section of the form by listing the number, including the revision number, of all wage determinations included in the solicitation. A trained and authorized contracting agency representative will sign the Response section of the form. The SF-98 should be clearly annotated with the letters MOU on or near the Notice No. Section which appears on the upper right section of the SF-98. All sections of the SF-98 shall be completed fully and accurately. The agency-designed training will place particular emphasis on the accurate completion and submission of the SF-98.
- c. The contracting office will monitor the SCA Database to determine if an applicable wage determination has been revised. The wage determination will be considered received by the Federal Agency on the date of their publication in the NTIS Database. The provisions of 29 CFR 4.5(a)(2) shall be followed to determine whether a revised wage determination must be included in the solicitation and subsequent contract.

Thus,

1. For contracts, which are the result of sealed bidding procedures, revisions to the wage determination, which are published in the NTIS SCA Database 10 or more days prior to bid opening shall be effective. Any revised wage determination which is published in the NTIS SCA Database less than 10 days prior to bid opening shall not be effective if the contracting office determines that there is not a reasonable time still available to notify bidders of the revision.
2. For contracts which are the result of other than sealed bidding procedures, any revision to a wage determination which is published in the NTIS SCA Database prior to the date of award (or the date of a specified modification having the effect of a new award) shall be effective. Any revision to a wage determination that is in the NTIS SCA Database after the date of award shall not be effective provided that contract performance commences within 30 days of the award date. If

contract performance commences more than 30 days after award (or the specified modification), any revised wage determination published in the NTIS SCA Database at least 10 days prior to commencement of the work shall be effective and applicable to the contract.

- d. If it is discovered that the most current, applicable wage determination (i.e., covering the appropriate locality, occupations, type of service and fringe benefit level for the

service to be performed) contained in the NTIS SCA Database system was not included in the contract, the agency agrees to exercise any and all of its power to incorporate the applicable wage determination in the contract as provided by 29 CFR 4.5(c)(2), 4.101(b) and FAR 22.1015.

The DOL will ensure that the NTIS SCA Database is updated no less often than weekly.

Nothing in this memorandum of understanding shall be construed to alter any obligations or responsibilities of the parties under applicable statutes or regulations.

Either party to this agreement may terminate the agreement upon 30 days notice to the other party.

Administrator
Wage and Hour Division
U.S. Department of Labor

/s/

Senior Procurement Executive
U.S. Department of the Interior

Date

August 3, 1999

Date

**United States Department of the Interior
Agency Training Plan for
Use of Service Contract Wage Determination
Database by Means of NTIS FedWorld**

Department of the Interior SCA Training Program

The Service Contract Act Wage Determination On-Line Program User's Guide, which will serve as the primary training vehicle for Department of the Interior personnel, was provided on paper and disk to agency Acquisition Chiefs on June 30, 1999. The User's Guide was also posted on the Department of the Interior Office of Acquisition and Property Management's web site on July 14, 1999. The User's Guide can be accessed at the following address:

<http://www.doi.gov/pam/usersgde.htm>

Prospective SCA On-Line users will be able to obtain training by accessing the agency Internet site, or bureau intranet sites. After thoroughly studying the User's Guide, contracting personnel will certify completion of training with their respective Bureau Labor Advisor. Bureau Labor Advisors shall provide the Agency Labor Advisor with consolidated and updated training certifications, which will be forwarded to the Department of Labor pursuant to the terms of the Memorandum of Understanding (MOU).

Agency and Bureau Labor Advisors will also ensure that on-going training is available to new employees to accommodate normal staff turnover.

For the purposes of the MOU, the Director, Office of Acquisition and Property Management, will serve as the Agency Labor Advisor. The Point of Contact for the Director, Office of Acquisition and Property Management is: Patricia E. Corrigan, Telephone No.: (202) 208- 1906. Individual Bureau Labor Advisors have been designated and are identified below.

Department of the Interior Agency Training Plan

1. Bureau of Indian Affairs (BIA)

Estimated Training Completion Date for All BIA Sites Identified Below: July 31, 1999
Bureau Labor Advisor: Stuart Mani, Acting Chief, Division of Contracting and Grants Administration, Washington, D.C., Telephone: (202) 208-2825

Central Office (Washington, D.C. and Albuquerque, New Mexico)

Total number of employees to be trained: 12

Aberdeen Area Office

Total number of employees to be trained: 6

Anadarko Area Office

Total number of employees to be trained: 6

Billings Area Office

Total number of employees to be trained: 3

Juneau Area Office

Total number of employees to be trained: 4

Navajo Area Office

Total number of employees to be trained: 8

Phoenix Area Office

Total number of employees to be trained: 9

Portland Area Office

Total number of employees to be trained: 6

Subtotal of employees to be trained (BIA): 54

2. Bureau of Land Management (BLM)

Estimated Training Completion Date for All BLM Sites Identified Below:

September 30, 1999

Bureau Labor Advisor: Larry Keller, Procurement Analyst, Procurement Systems (BC-680), Bureau of Land Management-National Business Center, Denver, CO

Telephone: (303) 236-9455

Alaska State Office

Total number of employees to be trained: 8

Arizona State Office

Total number of employees to be trained: 8

California State Office

Total number of employees to be trained: 8

Colorado State Office

Total number of employees to be trained: 6

Eastern States Office

Total number of employees to be trained: 3

Idaho States Office

Total number of employees to be trained: 6

Bureau of Land Management Training Plan (Continued)

Montana States Office

Total number of employees to be trained: 9

Nevada State Office

Total number of employees to be trained: 8

Oregon State Office

Total number of employees to be trained: 21

Utah State Office

Total number of employees to be trained: 7

Wyoming States Office

Total number of employees to be trained: 6

National Interagency Fire Center

Total number of employees to be trained: 4

BLM National Business Center

Total number of employees to be trained: 13

Washington Office

Total number of employees to be trained: 2

Subtotal of employees to be trained (BLM): 109

3. Bureau of Reclamation (BOR)

Bureau Labor Advisor: Mark Comstock, Procurement Analyst, Bureau of Reclamation, Acquisition and Assistance Management Services, Denver, CO
Telephone: (303) 445-2444

Estimated Training Completion Date for the Following Offices: August 31, 1999

Denver Regional Office

Total number of employees to be trained: 13 (1)

Pacific Northwest Regional Office

Total number of employees to be trained: 10

Upper Columbia Area Office

Total number of employees to be trained: 2

Bureau of Reclamation Training Plan (Continued)

Grand Coulee Project

Total number of employees to be trained: 5

Snake River Area Office - West

Total number of employees to be trained: 2

Snake River Area Office - East

Total number of employees to be trained: 1

Ephrata Field Office

Total number of employees to be trained: 1

Hungry Horse Project
Total number of employees to be trained: 1

Pacific Northwest Construction Office
Total number of employees to be trained: 1

Columbia Basin Job Corps
Total number of employees to be trained: 1

Idaho Centennial Job Corps
Total number of employees to be trained: 1

Fort Simcoe Job Corps
Total number of employees to be trained: 1

Lower Colorado Regional Office
Total number of employees to be trained: 12

Great Plains Regional Office
Total number of employees to be trained: 6

Montana Area Office
Total number of employees to be trained: 2

Wyoming Area Office
Total number of employees to be trained: 3

Eastern Colorado Area Office
Total number of employees to be trained: 2

Bureau of Reclamation Training Plan (Continued)

Dakotas Area Office
Total number of employees to be trained: 1

Oklahoma-Texas Area Office
Total number of employees to be trained: 1

Estimated Training Completion Date for the Following Offices: September 30, 1999

Upper Colorado Region
Total number of employees to be trained: 5

Alamosa Field Division
Total number of employees to be trained: 2

Albuquerque Area Office
Total number of employees to be trained: 2

Collbran Civilian Conservation Center
Total number of employees to be trained: 1

Western Colorado Area Office - Southern Division
Total number of employees to be trained: 2

Western Colorado Area Office - Northern Division
Total number of employees to be trained: 2

Farmington Construction Office
Total number of employees to be trained: 2

Flaming Gorge Field Division
Total number of employees to be trained: 1

Glen Canyon Field Division
Total number of employees to be trained: 2

Provo Area Office
Total number of employees to be trained: 2

Socorro Field Division
Total number of employees to be trained: 1

Weber Basin Civilian Conservation Center
Total number of employees to be trained: 1

Bureau of Reclamation Training Plan (Continued)

Mid-Pacific Region
Total number of employees to be trained: 20

Subtotal of employees to be trained (BOR): 112

4. U.S. Fish and Wildlife Service (FWS)

Bureau Labor Advisor: Ramona J. Polk, Procurement Analyst, Division of Contracting and General Services, Arlington, VA
Telephone: (703) 358-1783

Estimated Training Completion Date for Offices Listed Below: September 30, 1999

Division of Contracting and General Services - Region 1, Portland, OR
Total number of employees to be trained: 7

Division of Contracting and General Services - Region 2, Albuquerque, NM
Total number of employees to be trained: 7

Division of Contracting and General Services - Region 3, Fort Snelling, MN
Total number of employees to be trained: 8

Division of Contracting and General Services - Region 4, Atlanta, GA
Total number of employees to be trained: 4

Division of Contracting and General Services - Region 5, Hadley, MA
Total number of employees to be trained: 7

Division of Contracting and General Services - Region 6, Denver, CO
Total number of employees to be trained: 8

Division of Contracting and General Services - Region 7, Anchorage, AK
Total number of employees to be trained: 5

Division of Contracting and General Services - Region 9, Arlington, VA
Total number of employees to be trained: 6

Subtotal of employees to be trained (FWS): 52

5. Minerals Management Service (MMS)

Bureau Labor Advisor: Carroll Day, Procurement Analyst, Procurement and Support
Service Division, Herndon, VA
Telephone: (703) 787-1372

Estimated Training Completion Dates Vary and Are Identified with Each Office Below

Procurement Operations Branch, Herndon, VA
Total number of employees to be trained: 11
Estimated training completion date: August 20, 1999

Procurement Branch, WASC, Lakewood, CO
Total number of employees to be trained: 7
Estimated training completion date: August 30, 1999

Audio Visual Center, WASC, Lakewood, CO
Total number of employees to be trained: 1
Estimated training completion date: August 30, 1999

Cooperative Administrative Service Unit, WASC, Lakewood, CO

Total number of employees to be trained: 1
Estimated training completion date: August 30, 1999

Procurement Section, General Services Branch, SASC, New Orleans, LA
Total number of employees to be trained: 3
Estimated training completion date: July 30, 1999

Subtotal of employees to be trained (MMS): 23

6. Department of the Interior, Office of the Secretary, National Business Center

Bureau Labor Advisor: John Nyce, Chief, Division of Acquisition Services,
Washington, D.C.
Telephone: (202) 208-3932

Estimated Training Completion Date for the Following Offices: November 1, 1999

National Business Center, Acquisition Services-Washington, D.C
Total number of employees to be trained: 9

National Business Center, Acquisition Services-Denver, CO
Total number of employees to be trained: 6

National Business Center Training Plan (Continued)

National Business Center, Acquisition Services-Albuquerque, NM
Total number of employees to be trained: 5

Subtotal of employees to be trained (NBC): 20

7. U.S. Geological Survey (USGS)

Bureau Labor Advisor: Richard W. Heilemann, Contract Price Analyst, Office of
Acquisition and Federal Assistance, Reston, VA
Telephone: (703) 648-7346

Estimated Training Completion Date for the Following Offices: August 31, 1999

USGS Office of Acquisition and Federal Assistance, Reston, VA
Total number of employees to be trained: 36

USGS Central Region Branch of Acquisition and Federal Assistance, Denver, CO
Total number of employees to be trained: 17

USGS Western Region Branch of Acquisition and Federal Assistance, Menlo Park, CA
Total number of employees to be trained: 9

Subtotal of employees to be trained (USGS): 62

8. National Park Service (NPS)

Bureau Labor Advisor: Jacqueline Bishop, Acting Manager, Contracting and Procurement Office, National Park Service, Washington, D.C.

Telephone: (202) 565-1149

Estimated Training Completion Date: November 1, 1999

NPS-Alaska Region

Total number of employees to be trained: 4

NPS-Denver Service Center

Total number of employees to be trained: 18

NPS-Harpers Ferry Center

Total number of employees to be trained: 5

NPS-Intermountain Region

Total number of employees to be trained: 32

National Park Service Training Plan (Continued)

NPS-Midwest Region

Total number of employees to be trained: 16

NPS-National Capital Region

Total number of employees to be trained: 8

NPS-Northeast Region

Total number of employees to be trained: 26

NPS-Pacific West Region

Total number of employees to be trained: 33

NPS-Southeast Region

Total number of employees to be trained: 26

NPS-Southwest Region

Total number of employees to be trained: 40

NPS-Washington Office

Total number of employees to be trained: 9

Subtotal of employees to be trained (NPS): 217

9. Office of Aircraft Services (OAS)

Since Aircraft Services are currently identified as a non-standard wage determination class not covered under FedWorld's Service Contract Act Wage Determinations On-Line Program, the Office of Aircraft Services is not a party to the MOU at this time. However, the Department of the Interior Office of Aircraft Services reserves the right to be join the DOL-DOI MOU at a future date if the status of Aircraft Services changes to that of a standard wage determination class accessible through the on-line program. This will be done through issuance of an amendment to the MOU.

10. Office of Surface Mining (OSM)

Due to a minimal number of applicable contracts, the Office of Surface Mining is not a party to the MOU at this time. However, the Department of the Interior Office of Surface Mining reserves the right to join the DOL-DOI MOU at a future date if workload requirements change. This will be done through issuance of an amendment to the MOU.

Departmentwide estimated total of employees to be trained: 649 (The estimated total does not include the training of new employees or training required as a result of turnover. Updated certifications will be provided as training is provided to employees as a result of staff turnover.)