

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210



APR 15 1987

MEMORANDUM NO. 147

TO: ALL CONTRACTING AGENCIES OF THE FEDERAL GOVERNMENT AND
THE DISTRICT OF COLUMBIA

FROM: PAULA V. SMITH ^{PVS}
Administrator

SUBJECT: Elimination of Standard Form 99 Reporting
Requirement Under the Walsh-Healey Public
Contracts Act

On March 2, 1987, the Department of Labor published revised regulations under the Walsh-Healey Public Contracts Act (Act) which discontinue the requirement for contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contract awards subject to the Act. The change is effective immediately. A reprint of the Federal Register notice is attached for your information.

As set forth in the notice, the SF-99 reporting requirement, formerly in section 50-201.1201 of 41 CFR Part 50-201, has been eliminated by removing and reserving section 50-201.1201 of the regulations (change 2). Additional editorial changes have been made to correct outdated references and designations of governmental organizations.

Attachment

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

41 CFR PART 50-201 – GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

(Reprint from the Federal Register, Vol. 52, No. 40 - Monday, March 2, 1987, Pages 6146 - 6148)

DEPARTMENT OF LABOR

**Employment Standards
Administration, Wage and Hour
Division**

41 CFR Part 50-201

**General Regulations Under the Walsh-
Healey Public Contracts Act**

AGENCY: Wage and Hour Division,
Employment Standards Administration,
Labor.

ACTION: Final rule.

SUMMARY: This rule amends Department of Labor (DOL) regulations to discontinue the use of Standard Form 99, Notice of Award of Contract, and eliminate the requirement for contracting agencies to report to the Wage and Hour Division each contract award subject to the Walsh-Healey Public Contracts Act (PCA). This action is being taken in order to relieve government procurement agencies of paperwork and reporting burdens, since similar data on contract awards can be obtained directly from the Federal Procurement Data System. In addition, minor editorial changes are being made in some sections of the regulations which will correct outdated references and designations of various governmental organizations.

EFFECTIVE DATE: March 2, 1987.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone: 202-523-8305.

SUPPLEMENTARY INFORMATION: Section 50-201.1201 of Regulations, 41 CFR Part 50-201, requires Federal contracting agencies to submit a report to the Wage and Hour Division each time a contract that is subject to PCA is awarded. Standard Form (SF) 99, Notice of Award of Contract, is the form which was provided for this purpose. In keeping with the goal of reducing paperwork and reporting burdens, the Wage and Hour Division explored the feasibility of obtaining contract award data similar to that which is furnished on SF-99 directly from the automated procurement information system maintained by the Office of Management and Budget's Federal Procurement Data System (FPDS). Negotiations with FPDS resulted in FPDS developing the capability to produce and furnish to the Wage and Hour Division the necessary

data identifying contract awards subject to PCA. Part 50-201 is, therefore, being amended to eliminate the requirement contained in section 50-201.1201 for contracting officers to report to DOL each contract award subject to PCA. The reduced administrative burden for the affected procurement agencies resulting from the elimination of SF-99 is expected to produce estimated annual cost savings governmentwide of nearly \$410,000.

Other Changes

Corrections of outdated references and designations of governmental organizations have been made in the following sections of the regulations: Sections 50-201.105, 50-201.601(b), 50-201.602, 50-201.1101 and 50-101.1102(a).

Publication in Final/Effective Date

Inasmuch as this revision is a rule of agency organization, procedure, or practice, the requirement of notice and public comment contained in 5 U.S.C. 553(b) is not applicable to this rule. Furthermore, since this rule relieves an existing restriction, it will take effect immediately upon publication. This waiver of the otherwise applicable 30-day delay of the effective date is consistent with 5 U.S.C. 553(d).

Classification

This rule is procedural in character. It is not classified as a "major rule" under Executive Order 12291 on Federal Regulation because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the provisions of 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analysis, do not apply to this rule. See 5 U.S.C. 601(2).

Paperwork Reduction Act

This rule is not subject to section 3504(h), of the Paperwork Reduction Act, 44 U.S.C. 3504(h), since it does not involve the collection of information from the public.

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 41 CFR Part 50-201

Administrative practice and procedure, Child labor, Government contracts, Government procurement, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

Accordingly, 41 CFR Part 50-201 is amended as set forth below.

Signed at Washington, DC, this 20th day of February 1987.

Susan R. Meisinger,
Deputy Under Secretary for Employment Standards.

Paula V. Smith,
Administrator, Wage and Hour Division.

**PART 50-201—GENERAL
REGULATIONS**

41 CFR 50-201 is amended as follows:
1. The authority citation for Part 50-201 continues to read as follows:

Authority: Sec. 4, 49 Stat 2038; 41 U.S.C. 38. Interpret or apply sec. 6, 49 Stat. 2038, as amended; 41 U.S.C. 40.

§ 50-201.1201 [Reserved]

2. Part 50-201 is amended by removing and reserving § 50-201.1201.

3. Section 50-201.105 is revised to read as follows:

**§ 50-201.105 Protection against
unintentional employment of underage
minors.**

An employer shall not be deemed to have knowingly employed an underage minor in the performance of contracts subject to the Act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to regulations issued by the Secretary of Labor under section 3(1) of the Fair Labor Standards Act of 1938 (29 CFR 570.121), showing that such minor is at least 16 years of age.

4. In § 50-201.601, paragraph (b) is revised to read as follows: