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|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | <h2 style="text-align: center;">Acquisition Management System<br/>Change Request Form</h2> |                                                                                                                                                                    |
| Change Request Number:                                                                              | 24-43                                                                                      |                                                                                                                                                                    |
| Description of the Change:                                                                          | Policy 3.6- Small Business Changes and Applicability of Executive Order 14063              |                                                                                                                                                                    |
| Select the type of Change Request:<br><small>*Policy changes require FAE endorsement.</small>       | Administrative Policy                                                                      |                                                                                                                                                                    |
| Section:                                                                                            | 3.6                                                                                        |                                                                                                                                                                    |
| <b>PART 1: ENDORSEMENTS</b>                                                                         |                                                                                            |                                                                                                                                                                    |
| Manager, Acquisition Policy Branch<br>Endorsement:<br><br>AAP-110, Procurement Policy Branch        | <input checked="" type="radio"/> Approved<br><input type="radio"/> Disapproved             | Electronic Signature/Date:<br><b>STACIE W<br/>HUELSBECK</b><br><small>Digitally signed by<br/>STACIE W HUELSBECK<br/>Date: 2024.03.24<br/>19:14:07 -04'00'</small> |
| Acquisition System Advisory Group (ASAG)<br>Chairperson Endorsement:                                | <input checked="" type="radio"/> Approved<br><input type="radio"/> Disapproved             | Electronic Signature/Date:<br><b>MICHELLE<br/>G BRUNE</b><br><small>Digitally signed by<br/>MICHELLE G BRUNE<br/>Date: 2024.03.27<br/>10:11:20 -04'00'</small>     |
| Acquisition Policy and Oversight (AAP)<br>Director Endorsement:                                     | <input checked="" type="radio"/> Approved<br><input type="radio"/> Disapproved             | Electronic Signature/Date:<br><b>JAKE LENO<br/>LEWIS</b><br><small>Digitally signed by<br/>JAKE LENO LEWIS<br/>Date: 2024.03.29<br/>08:46:28 -04'00'</small>       |
| FAA Acquisition Executive (FAE)<br>Endorsement:<br><small>*Only required for Policy Changes</small> | Approved<br><br>Disapproved                                                                | Electronic Signature/Date:                                                                                                                                         |

## PART 2: GENERAL INFORMATION

Change Request (CR) Number: 24-43

Date Received: 03/05/24

CR Title: Policy 3.6- Small Business Changes and Applicability of Executive Order 14063

## Summary of Change: Updates made to Policy 3.6 Socio-Economic and Other Policies and Programs:

- (1) AMS Policy 3.6.1.1 is updated to state, in accordance with a January 2024 AMS Update to AMS Guidance, that contracts awarded and performed outside of the United States are no longer excluded from the Small Business Program.
- (2) AMS Policy 3.6.1.3.5 is administratively updated to clarify that where a procurement exceeds the noncompetitive threshold the procurement may be awarded on a noncompetitive basis to a SEDB 8(a) Certified vendor owned by ANC, Indian tribe, Native Hawaiian Organization.
- (3) AMS Policy 3.6.1.3.6 SDVOSB, 3.6.1.3.7 HUBZone Small Business, 3.6.1.3.8 WOSB, and 3.6.1.3.9 EDWOSB is updated to add "or Noncompetitive Awards" to the titling.
- (4) AMS Policy 3.6.2.1 pertaining to the applicability of labor laws, including Executive orders related to the use of project labor agreements is updated to reflect the implementation of E.O. 14063 to AMS.
- (5) Other administrative changes (e.g. update of referencing of citations).

## Reason for Change:

The reason for these changes:

- (1) Allows COs discretion in applying the Small Business Program to overseas procurements. Existing language in AMS Policy which prohibits the Program from being applied overseas is accordingly deleted. This change is in line with similar changes for other agencies to allow for small business consideration for overseas contracts.
- (2) Administrative clarification
- (3) Administrative clarification to revise the titling for those specified Policy sections that allow Noncompetitive Awards for specific small business categories.
- (4) Pursuant to 49 U.S.C § 40110(d), the FAA independently develops and implements the AMS in a manner that addresses the unique needs of the agency. In support of its mission, the FAA will, per E.O. 14063, require the use of PLAs to ensure the efficient completion of construction projects while considering the agency's specific need for more timely and cost-effective acquisitions.
- (5) Clarify AMS Policy and address other formatting issues.

## Initiator Contact Information:

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Initiator Organization Name:

Procurement Policy Branch

Routing Code:

AAP-110

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## Development, Review, and Concurrence:

AAP, AAQ, AGC

## Target Audience:

Contracting Personnel

## ASAG Briefing:

(To be completed by secretariat)



YES



NO

Date:

## ASAG Responsibilities:

None.

## AEB Briefing:

(To be completed by secretariat)



YES



NO

Date:

## AEB Responsibilities:

None.

## PART 3: FAST PUBLICATION INFORMATION

## Impacted AMS Section:

NOTE: Please choose only one. If additional sections are impacted, submit a separate CR form for each.

Policy

## Section/Text Location:

Policy 3.6

## Links:

[https://fast.faa.gov/docs/acquisitionManagementPolicy/AcquisitionManagementPolicy3.6.pdf#nameddest=policy3\\_6\\_2\\_1](https://fast.faa.gov/docs/acquisitionManagementPolicy/AcquisitionManagementPolicy3.6.pdf#nameddest=policy3_6_2_1)

## Redline Validation:

NOTE: The redline version must be a comparison with the current published FAST version.



I confirm I used the latest published version to create this change/redline.

OR



This is new content.

## Attachments:

AcquisitionManagementPolicy3.6(Clean).docx  
AcquisitionManagementPolicy3.6(Redline).docx

## Other Files:

N/A.

3.6 Socio-Economic and Other Policies and Programs

3.6.1 Small Business Program Revised 7/2020

3.6.1.1 Applicability Revised ~~9/2020~~4/2024

3.6.1.2 Policy Revised 10/2022

3.6.1.3 Principles for the Small Business Program Revised 7/2006

3.6.1.3.1 Program Goals Revised 7/2020

3.6.1.3.2 Prime Contracting with Small Businesses Revised 1/2017

3.6.1.3.3 Reserved Revised 1/2017

3.6.1.3.4 Set-Asides to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals (~~8(a)~~ Certified), Service-Disabled Veterans, Historically Underutilized Business Zones, Small Disadvantaged Business, Women Owned Small Business, and Economically Disadvantaged Women-Owned Small Business Revised ~~7/2023~~4/2024

3.6.1.3.5 Noncompetitive Awards to SEDB (~~8(a))~~ Certified Vendors Revised ~~9/2022~~4/2024

3.6.1.3.6 Set-Asides or Noncompetitive to Service-Disabled Veteran Owned Small Businesses Revised ~~10/2008~~4/2024

3.6.1.3.7 Set-Asides or Noncompetitive Award to Historically Underutilized Business Zone ———(HUBZone) Small Businesses ~~Added 1/2021~~Revised 4/2024

3.6.1.3.8 Set-Asides or Noncompetitive Award to Women Owned Small Businesses Revised ~~10/2021~~4/2024

3.6.1.3.9 Set-Asides or Noncompetitive Award to Economically Disadvantaged Women-Owned Small Businesses Revised ~~10/2021~~4/2024

3.6.1.3.10 Set-Asides to Small Disadvantaged Business Revised 10/2021

3.6.1.3.11 Subcontracting with Small Businesses and Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals Added 10/2021

3.6.2 Labor Laws Revised 1/2020

3.6.2.1 Applicability Revised ~~4/2022~~4/2024

3.6.2.2 Policy Revised 9/2020

3.6.3 Environment and Conservation Revised 4/2023

3.6.3.1 Applicability Revised 4/2009

3.6.3.2 Policy Revised 1/2024

3.6.3.3 Environmental Performance and Sustainability Factors Revised 10/2016

3.6.3.3.1 Recycled-Content Products Revised 1/2024

3.6.3.3.2 Energy Conservation and Efficiency Revised 1/2024

3.6.3.3.3 BioPreferred and Biobased Designated Products Revised 1/2024

3.6.3.3.4 Alternatives to Ozone Depleting Substances and Hydrofluorocarbons Revised 1/2024

- 3.6.3.3.5 Water Conservation and Efficiency Revised 1/2024
  - 3.6.3.3.6 Chemicals Management Revised 1/2024
  - [3.6.3.4 Environmental Review](#) Added 9/2020
  - [3.6.3.5 Environmental Due Diligence and Real Property](#) Revised 1/2024
  - [3.6.3.6 Delivery of Electronic and Paper Documents](#) Revised 9/2020
  - [3.6.3.7 Reserved](#) Revised 4/2023
  - [3.6.3.8 Hazardous and Radioactive Materials](#) Revised 9/2009
    - [3.6.3.8.1 Hazardous Material Identification and Safety Data](#) Revised 1/2024
    - [3.6.3.8.2 Notice of Radioactive Material](#) Revised 9/2020
  - [3.6.3.9 Waste Management](#) Revised 1/2024
  - [3.6.3.10 Seismic Safety](#) Revised 9/2021
  - [3.6.4 Foreign Acquisition](#) Revised 4/2014
    - [3.6.4.1 Buy American Act](#) Added 10/2014
    - [3.6.4.2 Export Control](#) Added 4/2014
  - [3.6.5 Indian Incentive Program](#)
  - [3.6.6 Drug Free Workplace](#) Revised 4/2023
  - [3.6.7 Fastener Quality Act](#) Revised 4/2023
  - [3.6.8 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended \(49 CFR Part 24\)](#) Revised 4/2023
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## 3.6 Socio-Economic and Other Policies and Programs

### 3.6.1 Small Business Program Revised 7/2020

#### 3.6.1.1 Applicability Revised 9/20204/2024

The policies in this Section apply to FAA procurements for products, construction, and services but exclude those procurements using purchase cards, purchase card checks, electric utilities, real property, grants, memoranda of understanding, non-appropriated funds, contracts ~~to be awarded and performed entirely outside of the United States, contracts~~ with foreign governments or international organizations, agreements, and required sources of ~~products~~supplies/services and use of Government sources including products available from Federal Prison Industries (FPI) (~~refer to~~See AMS Guidance T3.6.1 Small Business Program-~~Guidance~~).

#### 3.6.1.2 Policy Revised 10/2022

The FAA must comply with Presidential directives, constitutional standards, public laws, and follows DOT Secretary Policy Statements to promote, expand, aggressively provide procurement opportunities as prime contractors and as subcontractors for small businesses, small businesses owned by socially and economically disadvantaged individuals, women-owned small businesses and service-disabled veteran owned small businesses. The FAA's Small Business Program (AAP-20) staff currently has and will continue to have responsibility for:

- ☐ FAA's policy and program on the utilization of small business and small businesses owned and controlled by socially and economically disadvantaged individuals;
- ☐ Establishing mechanisms for monitoring and evaluating the effectiveness of the small business program; and
- ☐ Ensuring FAA-wide implementation and accomplishment of the small business program objectives.

Key features of the small business program will include:

- ☐ Competitive/noncompetitive set-asides;
- ☐ Establishment of eligibility criteria and measurable prime contracting and subcontracting goals;
- ☐ Vigorous outreach efforts;
- ☐ Mentor-Protégé Program; and
- ☐ Small business forums.

#### 3.6.1.3 Principles for the Small Business Program Revised 7/2020

##### 3.6.1.3.1 Program Goals Revised 7/2020

Prior to the end of each fiscal year, measurable annual FAA wide major procurement program

goals (including subcontracting goals) will be established to provide attainable and reasonable opportunities for small businesses and small businesses owned and controlled by socially and economically disadvantaged individuals to participate in contracts awarded by the FAA for the next fiscal year.

To ensure attainment of the program goals, senior management will be held responsible and goal achievement will be monitored at all levels in the agency. Additionally, the AAP-20 Staff will conduct vigorous outreach efforts that may include participating in Small Business Conferences, Small Business forums, etc.

#### **3.6.1.3.2 Prime Contracting with Small Businesses Revised 1/2017**

When appropriate, individual procurements may be set aside for competitive award among small businesses. Individual procurements may also be set-aside for small businesses two categories (combined set-asides).

#### **3.6.1.3.3 Reserved Revised 1/2017**

#### **3.6.1.3.4 Set-Asides to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals ~~(8(a) Certified)~~, Service-Disabled Veterans, Historically Underutilized Business Zones, Small Disadvantaged Business, Women Owned Small Business, and Economically Disadvantaged Women-Owned Small Business Revised 7/20234/2024**

Except for those acquisitions being purchased using the agency purchase card, or those acquisitions subject to AMS 3.8.4.2 Government Sources for Product and Services, each acquisition of supplies or services with a TEPV exceeding the micro-purchase threshold, but not exceeding the AMS risk threshold, is automatically reserved exclusively for Socially and Economically Disadvantaged Business (SEDB) ~~vendors that are 8(a) certified~~ Certified Vendors, Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), Historically Underutilized Business Zone (HUBZone) small businesses, ~~Small Disadvantaged Businesses (SDB), Women-Owned Small Business (WOSB), and/or Economically Disadvantaged Women-Owned Small Business (EDWOSB) vendors~~ (collectively referenced as small business socioeconomic categories), unless the Contracting Officer determines there is not a reasonable expectation of obtaining offers from responsible ~~SEDB (8(a)), SDVOSB, HUBZone, SDB, WOSB, or EDWOSB concern~~ small business socioeconomic categories that are competitive in terms of market prices, quality and delivery. The Contracting Officer must submit the Small Business Set-Aside Determination and Coordination Form to the FAA Small Business Office (AAP-20) if not setting aside for ~~either SEDB (8(a)), SDVOSB, WOSB, EDWOSB, HUBZone, SDB, small business socioeconomic categories~~ or small business firms for acquisitions exceeding the micro-purchase threshold but not over the AMS risk threshold (For additional information see also AMS Guidance T3.6.1, Small Business Program-Guidance for use of this form).

In addition, other individual procurements outside the above specified range may be set-aside for competitive award among ~~SEDBs that are 8(a) certified, SDVOSB, HUBZone, SDB, WOSB, or~~

~~EDWOSB firms~~small business socioeconomic categories, when appropriate.

#### **3.6.1.3.5 Noncompetitive Awards to SEDB ~~(8(a))~~ Certified Vendors Revised 9/20224/2024**

Individual procurements may be noncompetitively awarded to SEDB ~~(8(a))~~ Certified vendors when the anticipated total value of the procurement (including all options) is less than \$10 million under any North American Industry Classification System codes. -Where a procurement exceeds the noncompetitive threshold, the procurement may be awarded on a noncompetitive basis to SEDB ~~(8(a))~~ Certified vendors if: (1) there is not a reasonable expectation that at least two or more SEDB ~~(8(a))~~ Certified sources will submit offers that are in the Government's best interest in terms of quality, price and/or delivery; or (2) the award will be made to a ~~concern~~SEDB 8(a) Certified vendor owned by an ~~Indian tribe or an~~ Alaska Native Corporation- (ANC), Indian tribe, or Native Hawaiian Organization. Noncompetitive awards above \$25 million to SEDB 8(a) Certified vendors, including an SEDB 8(a) certified vendor owned by an ANC, Indian Tribe, or Native Hawaiian Organization, must be justified and documented as indicated in AMS Guidance T3.6.1 Small Business Program-~~Procurement Guidance~~.

#### **3.6.1.3.6 Set-Asides or Noncompetitive Awards to Service-Disabled Veteran Owned Small Businesses Revised 10/20084/2024**

When appropriate, individual procurements may be awarded noncompetitively or set-aside competitively for award among service-disabled veteran owned small businesses.

#### **3.6.1.3.7 Set-Asides or Noncompetitive Award to Historically Underutilized Business Zone (HUBZone) Small Businesses Added 1/2021Revised 4/2024**

When appropriate, individual procurements may be awarded noncompetitively or set-aside competitively for award among Historically Underutilized Business Zone (HUBZone) small businesses. -Noncompetitive awards may only be made when the anticipated total value of the procurement (including all options) is \$7.5 million or below for procurements assigned manufacturing North American Industry Classification System codes and \$4.5 million or below for all other procurements.

#### **3.6.1.3.8 Set-Asides or Noncompetitive Award to Women Owned Small Businesses Revised 10/20214/2024**

When appropriate, individual procurements may be awarded noncompetitively or set-aside competitively for award among certified Women-Owned Small Business (WOSB) eligible under the WOSB Program. Noncompetitive awards may only be made when the anticipated total value of the procurement (including all options) is \$7 million or below for procurements assigned eligible manufacturing NAICS codes and \$4.5 million or below for all other eligible procurements.

#### **3.6.1.3.9 Set-Asides or Noncompetitive Awards to Economically Disadvantaged Women-Owned Small Businesses Revised 10/20214/2024**

When appropriate, individual procurements may be awarded noncompetitively or set-aside competitively for award among certified Economically Disadvantaged Women-Owned Small Businesses (EDWOSB) eligible under the WOSB Program. Noncompetitive awards may only be made when the anticipated total value of the procurement (including all options) is \$7 million or below for procurements assigned eligible manufacturing NAICS codes and \$4.5 million or below for all other eligible procurements.

#### **3.6.1.3.10 Set-Asides to Small Disadvantaged Businesses Revised 10/2021**

When appropriate, individual procurements may be set-aside competitively for award among small disadvantaged businesses.

#### **3.6.1.3.11 Subcontracting with Small Businesses and Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals Added 10/2021**

When appropriate, subcontracting opportunities will be encouraged.

### **3.6.2 Labor Laws**

#### **3.6.2.1 Applicability Revised 4/20224/2024**

The Davis-Bacon Act (40 U.S.C. § 276a), Convict Labor (18 U.S.C. § 4082-(c)(2)), Copeland Act (18 U.S.C. § 874 and 40 U.S.C. § 276c), Walsh-Healey Public Contracts Act (41 U.S.C. §§ 6501-6511), ~~Equal Employment Opportunity (Executive Order 11246, as amended)~~, Service Contract Labor Standards (41 U.S.C. §§ 6701-6707), ~~Executive Order~~ executive orders (E.O.s) related to equal employment opportunity (E.O. 11246), the ~~Minimum Wage~~ minimum wage for Federal Contractors (~~Executive Orders 13658 and E.O. 14026~~), and project labor agreements (E.O. 14063), and other labor laws and regulations apply to acquisitions for products, services, construction, and real property as appropriate.

#### **3.6.2.2 Policy Revised 9/2020**

The FAA will comply with labor laws when acquiring products, services, construction, and real property consistent with the thresholds established herein the Acquisition Management System.

### **3.6.3 Environment and Conservation Revised 4/2023**

#### **3.6.3.1 Applicability Revised 4/2009**

This section applies to all FAA Screening Information Requests (SIRs) and contracts performed in

the United States.

### **3.6.3.2 Policy Revised 1/2024**

It is the policy of FAA to contract with entities that are in compliance with applicable environmental, energy, safety, and drug-free workplace laws, orders, and regulations.

FAA will ensure that all contract actions and purchases comply with statutory requirements. FAA should prioritize products, services, or real property interests that meet more than one of the applicable requirements and is encouraged to procure products, services, or real property in a cost-effective manner that advance achievement of energy and environmental performance goals. FAA will use Category Management solutions for products or services to the maximum extent practicable, which can help meet sustainability goals and better leverage the government's buying power.

FAA will give purchasing preference to products that:

- (a) Meet minimum requirements for recycled content as identified by EPA's Comprehensive Procurement Guideline (CPG) Program;
- (b) Are designated as biobased or BioPreferred by USDA;
- (c) Are certified by ENERGY STAR® or designated by the Federal Energy Management Program (FEMP) as energy efficient products.
- (d) Reduce embodied carbon in construction materials to the greatest extent practicable for FAA funded projects.

FAA will maximize substitution of alternatives to ozone-depleting substances in its procurements, as identified under EPA's Significant New Alternatives Policy (SNAP) program.

FAA should also seek sustainable products and services identified by other EPA programs, including WaterSense®, Safer Choice®, and SmartWay® as well as non-federal specifications, standards or labels that meet or exceed those recommended by EPA or meet criteria developed or adopted by consensus standards bodies.

### **3.6.3.3 Environmental Performance and Sustainability Factors Revised 10/2016**

#### **3.6.3.3.1 Recycled-Content Products Revised 1/2024**

In order to meet the objectives of Executive Order (EO) 14057, FAA will prioritize purchase of products that can be reused, refurbished, or recycled and products composed of recycled content, which are biobased, or are energy and water efficient. The FAA will prioritize purchase of sustainable products identified by the EPA.

#### **3.6.3.3.2 Energy Conservation and Efficiency Revised 1/2024**

In order to meet the objectives of EO 14057, the Energy Policy Act of 2005 (EPAct 2005), the

Energy Independence and Security Act of 2007 (EISA 2007), the Energy Act of 2020, and FAA Order 1053.1 (series), FAA will procure ENERGY STAR®-labeled and FEMP-designated products, where life-cycle cost effective, and ENERGY STAR buildings, unless the space requirement is exempted by EISA 435.

FAA will also promote electronics stewardship throughout the acquisition life cycle and ensure a procurement preference for environmentally sustainable electronic products in accordance with statutory mandates such as Electronic Products Assessment Tool (EPEAT)-registered products. These considerations will be identified in the procurement planning and SIR/contract documents when procuring products or services affecting FAA energy consumption. The decision not to procure such items will be based on a determination that such procurement items:

1. Are not reasonably available within a reasonable period of time;
2. Fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring agencies; or
3. Are only available at an unreasonable price.

To reduce scope 1 and 2 greenhouse gas emissions and achieve net-zero emissions buildings, the FAA will implement the Council on Environmental Quality Guiding Principles for Sustainable Federal Buildings (Guiding Principles), as amended, for building design, construction, and operation of all new or renovated Federal buildings greater than 25,000 gross square feet entering the planning phase after January 31, 2022.

#### **3.6.3.3.3 BioPreferred and Biobased Designated Products Revised 1/2024**

In order to meet the objectives of EO 14057, the Farm Security and Rural Investment Act of 2002, the Food Conservation and Energy Act of 2008, and the Agricultural Act of 2014, FAA will purchase and use USDA BioPreferred and biobased designated products, which are products derived from plants and other renewable agricultural, marine, and forestry materials and provide an alternative to conventional petroleum derived products. FAA will give preference to products composed of the highest percentage of biobased material practicable. These considerations will be identified in procurement planning, SIR/contract documents. The decision not to procure such items will be based on a determination that such products within a product category:

1. Are not reasonably available within a reasonable period of time;
2. Fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring agencies; or
3. Are only available at an unreasonable price.

#### **3.6.3.3.4 Alternatives to Ozone Depleting Substances and Hydrofluorocarbons Revised 1/2024**

In order to meet the objectives of EO 14057 and the Clean Air Act, FAA will procure Significant New Alternative Policy (SNAP) chemicals or other alternatives to ozone-depleting substances and hydrofluorocarbons, where feasible, as identified by SNAP. FAA will ensure that the product complies with statutory mandates (e.g., biobased) if applicable to the product category. These considerations will be identified in the procurement planning and SIR/contract documents.

#### **3.6.3.3.5 Water Conservation and Efficiency Revised 1/2024**

In order to meet the objectives of EISA 2007, Energy Act of 2020, EO 14057, and FAA Order 1053.1 (series), FAA will purchase WaterSense certified products and services, unless not life-cycle cost effective. These considerations will be identified in the procurement planning and SIR/contract documents when procuring products or services affecting FAA water consumption.

#### **3.6.3.3.6 Chemicals Management Revised 1/2024**

FAA should purchase Safer Choice labeled products to reduce the overall quantity of chemicals and toxic materials acquired, used, and disposed of. FAA will ensure that the product complies with the statutory mandates (e.g., biobased) if applicable to the product category. These considerations will be identified in the procurement planning and SIR/contract documents.

Additionally, FAA will implement EPA's Integrated Pest Management Principles and Water Efficient Landscaping practices to reduce and eliminate the use of toxic and hazardous chemicals and materials.

#### **3.6.3.4 Environmental Review Added 9/2020**

The National Environmental Policy Act (NEPA) requires agencies to consider the environmental impact of major federal actions, including certain procurement actions. FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, provides policies and procedures to ensure agency compliance with NEPA (42 United States Code [U.S.C.] §§ 4321-4335), the requirements set forth in the Council on Environmental Quality (CEQ), Title 40, Code of Federal Regulations (CFR), parts 1500-1508, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ Regulations), and Department of Transportation (DOT) Order 5610.1C, Procedures for Considering Environmental Impacts. The FAA uses the NEPA process to conduct environmental review required by other statutes, such as the Endangered Species Act and the National Historic Preservation Act.

#### **3.6.3.5 Environmental Due Diligence and Real Property Revised 1/2024**

FAA real property transactions are subject to the requirements of FAA Order 1050.19 (series), Environmental Due Diligence in the conduct of FAA Real Property Transactions and Paragraph 2-7 of Order 1050.1 (series), in order to identify and minimize potential environmental liabilities associated with the condition of the property and past activities at the site. Environmental due diligence requirements must be completed prior to executing contracts for the initial acquisition or disposal of real property, including the conveyance, sale or transfer of any FAA land, buildings, and structures. This also includes "outgrants", as defined in Appendix C.

#### **3.6.3.6 Delivery of Electronic and Paper Documents Revised 9/2020**

Contractors must submit acquisition-related documents electronically, to the maximum extent practicable. When paper documents are submitted to the FAA, they must be printed or copied double-sided. Refer to the Recycled-Content Products Policy above for additional requirements for delivery of paper documents.

#### **3.6.3.7 Reserved Revised 4/2023**

#### **3.6.3.8 Hazardous and Radioactive Materials Revised 9/2020**

##### **3.6.3.8.1 Hazardous Material Identification and Safety Data Revised 1/2024**

It is FAA policy to comply with Occupational Safety and Health Administration (OSHA) regulations on hazardous materials, conditions and precautions. To comply with these regulations, FAA must obtain information from contractors when hazardous materials are provided to FAA. Contractors are required to identify any hazardous materials delivered under a contract, as defined in Federal Standard 313 (FED-STD-313 series); and must provide Safety Data Sheets for all identified hazardous materials.

##### **3.6.3.8.2 Notice of Radioactive Material Revised 9/2020**

The contractor is required to notify the FAA, prior to delivery, of radioactive material that requires specific licensing under the Atomic Energy Act of 1954; or material with a specific activity that is greater than 0.002 microcuries per gram, or a specific activity per item exceeds 0.01 microcuries.

#### **3.6.3.9 Waste Management Revised 1/2024**

In order to meet the objectives of EO 14057, FAA will reduce the generation of non-hazardous solid waste (including construction and demolition (C&D) waste) that requires treatment and disposal by supporting markets for recycled products and promoting a transition to a circular economy. The FAA will divert 50% of non-hazardous solid waste (including C&D debris) sent to treatment and disposal facilities by 2025 and 75% of such non-hazardous solid waste by 2030. Contractors must comply with the waste reduction and reporting requirements set forth by FAA with regard to the diversion of non-hazardous solid waste and C&D debris. Waste management will further be accomplished through employing source reduction strategies (such as purchasing items that can be reused, refurbished, or recycled). Waste management factors must be considered, to the maximum extent practicable, in acquisitions where their application would be meaningful and consistent with meeting FAA requirements. These factors must be identified in the procurement planning and SIR/ contract documents.

#### **3.6.3.10 Seismic Safety Revised 9/2021**

Buildings, or space, acquired for the FAA or constructed on FAA property must meet current seismic safety requirements as provided in E.O. 13717 & P.L. 101-614. It is FAA's policy to

mitigate seismic hazards in FAA occupied buildings in order to ensure the safety of its employees. Every effort should be made in the space acquisition process to ensure that FAA employees are housed in seismically safe buildings. New or succeeding leases are to be for space in buildings that comply with seismic standards as described in the most recently published version of the National Institute of Standards and Technology (NIST), Standards for Seismic Safety for Existing Federally Owned or Leased Buildings. Every new building constructed by the FAA must comply with the earthquake-resistant design provisions of the International Building Code.

### **3.6.4 Foreign Acquisition Revised 4/2014**

#### **3.6.4.1 Buy American Act Revised 9/2020**

The FAA will comply with the tenets of the Buy-American Act to maximize the use of the products and construction materials produced in the United States (41 U.S.C. §§ 8301-8305) as well as the obligation set forth by the Act to use only steel and manufactured goods produced in the United States (49 U.S.C. § 50101) as part of the agency's best value determination during the contractor selection process.

#### **3.6.4.2 Export Control Added 4/2014**

The FAA will comply with all U. S. Export Control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130 and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 774.

### **3.6.5 Indian Incentive Program**

The FAA is subject to the requirements of paragraph 1544 of 25 U.S.C. that establishes an incentive payment for contractors of Federal agencies that subcontract with or use suppliers who are Indian organizations or Indian-owned economic enterprises in performing the contract. This incentive payment may be equal to 5 percent of the amount paid, or to be paid, to a qualifying subcontractor or supplier that is an Indian organization or Indian-Owned economic enterprise.

### **3.6.6 Drug Free Workplace Revised 4/2023**

The FAA must deem any offer unqualified and ineligible for award unless the offeror has certified that it is a drug free workplace. After contract award, if there is adequate evidence to suspect that the contractor submitted a false certification or failed to comply with the certification, the FAA may suspend payments, terminate the contract for default, debar or suspend the contractor, or take other appropriate action to obtain quality performance by a lawfully operating contractor.

### **3.6.7 Fastener Quality Act Revised 4/2023**

The FAA must comply with Pub. L. 101-592, as amended by Pub. L. 104-113 in equipment and

construction applications which require the use of high-strength fasteners.

### **3.6.8 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR Part 24) Revised 4/2023**

To the extent that it is applicable to FAA real property transactions, Cos must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (promulgated in 49 CFR Part 24). Provisions of the Uniform Act are mandatory and are applicable to each Federal agency that administers programs or provides financial assistance for projects, which involve land acquisition or relocation assistance. The FAA must (1) provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects; (2) ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement; (3) ensure that no individual or family is displaced unless decent, safe and sanitary housing is available within the displaced person's financial mean; (4) help improve the housing conditions of displaced persons living in substandard housing; and (5) encourage and expedite acquisition by agreement and without coercion.

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