



ACQ
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Acquisition Management System Change Request Form

Change Request Number:
(To be completed by secretariat)

24-75

Description of the Change:

AMS Policy Section 3.6.1 Noncompetitive Threshold Towers and Administrative Changes

Select the type of Change Request:

*Policy changes require FAE endorsement.

Policy

Section(s) impacted by CR:

AMS Policy Section 3.6

PART 1: ENDORSEMENTS

**Manager, Acquisition Policy Branch
Endorsement:**

AAP-110, Procurement Policy Branch



Approved



Disapproved

Electronic Signature/Date:

**STEPHEN
BRENDAN
MANGAN**

Digitally signed by STEPHEN
BRENDAN MANGAN
Date: 2024.08.20 10:42:52
-05'00'

**Acquisition System Advisory Group
(ASAG) Chairperson Endorsement:**



Approved



Disapproved

Electronic Signature/Date:

**MICHELLE
G BRUNE**

Digitally signed by
MICHELLE G BRUNE
Date: 2024.08.28
08:42:21 -04'00'

**Acquisition Policy and Oversight (AAP)
Director Endorsement:**



Approved



Disapproved

Electronic Signature/Date:

**JAKE LENO
LEWIS**

Digitally signed by
JAKE LENO LEWIS
Date: 2024.08.28
10:37:53 -04'00'

**FAA Acquisition Executive (FAE)
Endorsement:**

*Only required for Policy Changes



Approved



Disapproved

Electronic Signature/Date:

**NATHAN S
TASH**

Digitally signed by
NATHAN S TASH
Date: 2024.08.30
11:35:55 -04'00'

PART 2: GENERAL INFORMATION

Change Request (CR) Number: 24-75		Date Received: (To be completed by secretariat)	8/21/24
CR Title: AMS Policy 3.6.1 Noncompetitive Threshold Towers and Administrative Changes			
Summary and Reason for Change:		This change adds new policy at 3.6.3.5.1 that allows for noncompetitive awards to SEDB 8(a) Certified Vendors and new policy at 3.6.3.10.1 for noncompetitive awards to SDBs for the construction of new or replacement of Air Traffic Control Towers. This change assists the FAA in meeting its small business prime contract	
Initiator Contact Information:	Name: Erica Conley		Phone: 202-267-7387
	Organization Name: Procurement Policy Branch		Routing Code: AAP-110
ASAG Member Contact Information	Name: Stephen Mangan		Phone: 405-954-4137
Development, Review, and Concurrence: AAP, ACQ, and AGC		Target Audience: FAA Acquisition Workforce	
ASAG Briefing: ☐ YES ☒ NO (To be completed by secretariat) Date:		ASAG Responsibilities: Distributed to ASAG 8/27/2024 for awareness.	
AEB Briefing: ☐ YES ☒ NO (To be completed by secretariat) Date:		AEB Responsibilities: Will be briefed to AEB as part of September/October AMS updates.	

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	
Validation of other impacted FAST locations: ☒ I confirm I have validated all other portions of the website and will submit additional CR's for any other impacted sections as necessary.			
Section/Text Location: AMS Policy Section 3.6.1 Small Business Programs		Links: https://fast.faa.gov/docs/acquisitionManagementPolicy/AcquisitionManagementPolicy3.6.pdf#nameddest=policy3_6_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 redline AcquisitionManagementPolicy3.6 final		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 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 ~~4/2024~~9/2024

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

3.6.1.3.5.1 Noncompetitive Awards for New or Replacement Air Traffic Control Towers to SEDB (8a) Certified Vendors Added 9/2024

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

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

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

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

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

3.6.1.3.10.1 Noncompetitive Awards for New or Replacement Air Traffic Control Towers to Small Disadvantaged Businesses Added 9/2024

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 4/2024

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

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- [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
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 - [3.6.4.2 Export Control](#) Added 4/2014
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 - [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 4/2024

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 with foreign governments or international organizations, agreements, and required sources of supplies/services and use of Government sources including products available from Federal Prison Industries (FPI) (See AMS Guidance T3.6.1 Small Business Program).

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 4/20249/2024

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) 8(a) 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 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 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 AMS Guidance T3.6.1, Small Business Program).

In addition, other individual procurements outside the above specified range may be set-aside for competitive award among small business socioeconomic categories, when appropriate.

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

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 SEDB 8(a) Certified vendor owned by 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.

3.6.1.3.5.1 Noncompetitive Awards for New or Replacement Air Traffic Control Towers to SEDB (8a) Certified Vendors Added 9/2024

Individual procurements may be awarded noncompetitively to SEDB 8(a) Certified vendors when the total estimated potential value (TEPV) of the procurement (including all options) is less than or equal to \$70 million for the construction of new or replacement of Air Traffic Control Towers. Noncompetitive awards utilizing this increased threshold require a documented rational basis supporting the decision to award in accordance with AMS Guidance T3.6.1.B.2.e. See AMS Guidance T1.15A4d. for legal coordination guidance.

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

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 Revised 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 4/2024

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 4/2024

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.

3.6.1.3.10.1 Noncompetitive Awards for New or Replacement Air Traffic Control Towers to Small Disadvantaged Businesses Added 9/2024

Individual procurements may be awarded noncompetitively to Small Disadvantaged Businesses (SDB) when the total estimated potential value (TEPV) of the procurement (including all options) is less than or equal to \$70 million for construction of new or replacement of Air Traffic Control Towers. Noncompetitive awards utilizing this increased threshold require a documented rational basis supporting the decision to award, in accordance with AMS Guidance T3.6.1.B.2.e. See AMS Guidance T1.15A4d. for legal coordination guidance.

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 4/2024

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), Service Contract Labor Standards (41 U.S.C. §§ 6701-6707), executive orders (E.O.s) related to equal employment opportunity (E.O. 11246), the minimum wage for Federal Contractors (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 (EPA 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.
