

## Appendix B. Certification - Service Contract Act of 1965 Request for Exemption

Inquiry No. \_\_\_\_\_

In order to qualify for exemption from the provisions of the Service Contract Act of 1965, you are requested to certify to the following provisions: [29 CFR Part 4, Service Contract Act of 1965, Paragraph 4.123(e)]

- (1)(i) Contracts principally for the maintenance, calibration and/or repair of:
- (A) Automated data processing equipment and office information/word processing systems;
  - (B) Scientific equipment and medical apparatus, or equipment where the application of microelectronic circuitry or other technology of at least similar sophistication, is an essential element (for example, Federal Supply Classification (FSC) Group 65, Class 6515, "Medical Diagnostic Equipment;" Class 6525, "X-Ray Equipment;" FSC Group 66, Class 6630, "Chemical Analysis Instruments;" Class 6665, "Geographical and Astronomical Instruments," are largely composed of the types of equipment exempted hereunder);
  - (C) Office/business machines not otherwise exempt pursuant to paragraph (A) above, where such services are performed by the manufacturer or supplier of the equipment.
- (ii) The exemptions set forth in this paragraph (1) shall apply only under the following circumstances:
- (A) The items of equipment are commercial items which are used regularly for other than government purposes, and are sold or traded by the contractor in substantial quantities to the general public in the course of normal business operations;
  - (B) The contract services are furnished at prices which are, or are based on, established catalog or market prices for the maintenance, calibration, and/or repair of such commercial items. An "established catalog price" is a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or the contractor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently, or were last made to a significant number of buyers constituting the general public. An "established market price" is a current price, established in the usual course of trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or contractor; and
  - (C) The contractor utilizes the same compensation (wage and fringe benefits) plan for all services employees performing work under the contract as the contractor uses for equivalent employees servicing the same equipment of commercial customers;
  - (D) I certify that provisions of paragraph 4.123 (e)(1)(i) and paragraph 4.123 (e)(1)(ii) A, B, and C apply to the goods and/or services provided under the subject contract.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_