



U.S. GENERAL SERVICES ADMINISTRATION
Office of Governmentwide Policy

DEC 18, 1998

CIVILIAN AGENCY ACQUISITION COUNCIL LETTER 98-6

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

Edward C. Loeb

EDWARD C. LOEB

CHAIRMAN

CIVILIAN AGENCY ACQUISITION COUNCIL

SUBJECT:

VETS-100 Reporting

Title 38, US Code, Section 4212 (d) requires that Federal contractors report on several aspects of their employment and hiring of special disabled and Vietnam era veterans or other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. The report is to be submitted each year not later than September 30. The report is known as the VETS-100 report. The statutory requirement is implemented in the Department of Labor (DOL) regulations at 41 CFR 61-250.

Public Law 105-339, which was enacted October 31, 1998, provides in summary at Section 1354:

(a)(1) No agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) with respect to the preceding fiscal year if the contractor did not submit the required report.

(a)(2) Paragraph (a)(1) ceases to apply to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by section 4212(d) for the fiscal year concerned.

The statute also increases the threshold of covered contractors and subcontractors from \$10,000 to \$25,000, and requires the Department of Labor to make available in a database the list of contractors that have filed the VETS-100 report for the current reporting report.

Pending modification of the Federal Acquisition Regulation, and the establishment of the aforementioned database at DOL, it is recommended that civilian agencies include a solicitation provision substantially the same as the following in all solicitations over \$25,000.00 using appropriated funds.

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COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS

(a) The Offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e. the VETS -100 report required by the Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has [], has not [] submitted the most recent report required by 38 U.S.C. 4212(d).

(b) An Offeror who checks "has not" may not be awarded a contract until the required reports are filed. (31 U.S.C. 1354)

(End of Provision)

Civilian agencies are advised that, for any contracts containing the clause at 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, the contracting officer should exercise an option with a value exceeding the \$25, 000.00 threshold only after determining that the contractor has submitted the most recent report required by that clause.

For further information regarding questions related to the Veterans Employment Reporting Requirements, contracting officers may contact the DOL Office of Veterans Employment and Training at (703) 461-2460 or E-mail VETS100@dyncorp.com.

Until the FAR is amended to reflect these policies, civilian agencies are encouraged to immediately follow the procedures described herein. In accordance with FAR 1.404(a), this letter serves as evidence of consultation with the Chairman of the Civilian Agency Acquisition Council as provided in FAR 1.404(a)(1).