

22.1012-2 Wage determinations based on collective bargaining agreements.

(a) In sealed bidding, a new or changed collective bargaining agreement *shall* not be effective under [41 U.S.C. 6707\(c\)](#) if the *contracting* agency has received notice of the terms of the new or changed collective bargaining agreement less than 10 days before bid opening and the *contracting officer* determines that there is not reasonable time to incorporate the new or changed terms of the collective bargaining agreement in the *solicitation*.

(b) For contractual actions other than sealed bidding, a new or changed collective bargaining agreement *shall* not be effective under [41 U.S.C. 6707\(c\)](#) if notice of the terms of the new or changed collective bargaining agreement is received by the *contracting* agency after award of a successor contract or a modification as specified in [22.1007\(b\)](#), provided that the contract start of performance is within 30 days of the award of the contract or of the specified modification. If the contract does not specify a start of performance date which is within 30 days of the award of the contract or of the specified modification, or if contract performance does not commence within 30 days of the award of the contract or of the specified modification, any notice of the terms of a new or changed collective bargaining agreement received by the agency not less than 10 days before commencement of the work *shall* be effective for purposes of the successor contract under [41 U.S.C. 6707\(c\)](#).

(c) The limitations in paragraphs (a) and (b) of this subsection *shall* apply only if timely notification required in [22.1010](#) has been given.

(d) If the *contracting officer* has submitted an *e98* to Department of Labor requesting a *wage determination* based on a collective bargaining agreement and has not received a response from the Department of Labor within 10 days, the *contracting officer shall* contact the *Wage and Hour Division* by telephone to determine when the *wage determination* can be expected. (The telephone number is provided on the *e98* website.) If the Department of Labor is unable to provide the *wage determination* by the latest date needed to maintain the *acquisition* schedule, the *contracting officer shall* incorporate the collective bargaining agreement itself in a *solicitation* or other contract action (*e.g.*, exercise of *option*) and include a *wage determination* referencing that collective bargaining agreement created by use of the *Wage Determinations* at *SAM.gov* website (see [22.1008-1\(d\)\(2\)](#)).

Parent topic: [22.1012 Applicability of revisions to wage determinations.](#)