

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. 003		3. EFFECTIVE DATE See Block 16C		4. REQUISITION/PURCHASE REQ. NO. 11EM001828	
6. ISSUED BY Savannah River Operations U.S. Department of Energy Savannah River Operations P.O. Box A Aiken SC 29802		CODE 00901		5. PROJECT NO. (if applicable) CODE 00901	
8. NAME AND ADDRESS OF CONTRACTOR (fbo, street, county, State and ZIP Code) AMERESCO FEDERAL SOLUTIONS, INC. Attn: KEITH A. DERRINGTON 1820 MIDPARK ROAD SUITE C KNOXVILLE TN 379215955		CODE 196975957		FACILITY CODE	
		(x) 9A. AMENDMENT OF SOLICITATION NO.		9B. DATED (SEE ITEM 11)	
		x 10A. MODIFICATION OF CONTRACT/ORDER NO. DE-AM36-02NT41457 DE-AT09-09SR22572		10B. DATED (SEE ITEM 13) 11/30/2009	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

No change in accounting and appropriation data.

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: FAR Clause 52.222.41 - Service Contract Act
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Tax ID Number: 62-1376739

DUNS Number: 196975957

A. Modification #003 is hereby bilaterally issued for the purpose of incorporating Wage Determinations under the Service Contract Act, Number 2005-2135, Revision 11, 08-02-10, to Delivery Order DE-AC09-09SR22572. As stated in Section H.14 of the Delivery Order terms, Ameresco and DOE-SR mutually agreed that once construction of an Energy Conservation Measure is complete and accepted by the Government, the applicable Service Contract Act Wage Determination would be incorporated into the Delivery Order prior to Ameresco assuming Operations and Maintenance responsibilities. Ameresco agrees this contract action is a no cost modification.

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) KEITH DERRINGTON, EXEC VICE PRES.		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Robert S. Hamlett	
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)		16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	
15C. DATE SIGNED 03-21-2011		16C. DATE SIGNED 03/21/2011	

NAME OF OFFEROR OR CONTRACTOR
AMERESCO FEDERAL SOLUTIONS, INC.

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>(1) On page 23 of the Delivery Order, Section J, titled "List of Attachments", add the following entry as the fourth attachment: Wage Determinations under the Service Contract Act, Number 2005-2135, Revision 11, 08-02-10.</p> <p>(2) Service Contract Act Wage Determination, Number 2005-2135, Revision 11, 08-02-10 is included as an attachment to this modification and shall be incorporated appropriately as the fourth attachment in Section J.</p> <p>B. All other terms and conditions remain unchanged.</p> <p>Period of Performance: 05/15/2009 to 04/01/2031</p>				

Attachment 4

WD 05-2135 (Rev.-11) was first posted on www.wdol.gov on 08/10/2010

REGISTER OF WAGE DETERMINATIONS UNDER		U.S. DEPARTMENT OF LABOR
THE SERVICE CONTRACT ACT		EMPLOYMENT STANDARDS ADMINISTRATION
By direction of the Secretary of Labor		WAGE AND HOUR DIVISION
		WASHINGTON D.C. 20210

Shirley F. Ebbesen	Division of	Wage Determination No.: 2005-2135
Director	Wage Determinations	Revision No.: 11
		Date Of Revision: 08/02/2010

States: Georgia, South Carolina

Area: Georgia Counties of Burke, Columbia, Elbert, Emanuel, Glascock, Hart, Jefferson, Jenkins, Lincoln, McDuffie, Richmond, Taliaferro, Warren, Wilkes
South Carolina Counties of Aiken, Allendale, Bamberg, Barnwell, Edgefield, McCormick

****Fringe Benefits Required Follow the Occupational Listing****

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		14.16
01012 - Accounting Clerk II		15.89
01013 - Accounting Clerk III		17.78
01020 - Administrative Assistant		21.25
01040 - Court Reporter		17.11
01051 - Data Entry Operator I		12.03
01052 - Data Entry Operator II		13.13
01060 - Dispatcher, Motor Vehicle		16.85
01070 - Document Preparation Clerk		12.73
01090 - Duplicating Machine Operator		12.73
01111 - General Clerk I		13.39
01112 - General Clerk II		14.49
01113 - General Clerk III		16.21
01120 - Housing Referral Assistant		19.59
01141 - Messenger Courier		10.15
01191 - Order Clerk I		11.74
01192 - Order Clerk II		14.18
01261 - Personnel Assistant (Employment) I		14.83
01262 - Personnel Assistant (Employment) II		16.72
01263 - Personnel Assistant (Employment) III		18.93
01270 - Production Control Clerk		24.21
01280 - Receptionist		11.77
01290 - Rental Clerk		14.10
01300 - Scheduler, Maintenance		15.33
01311 - Secretary I		15.21
01312 - Secretary II		17.11
01313 - Secretary III		19.44
01320 - Service Order Dispatcher		13.82
01410 - Supply Technician		21.25
01420 - Survey Worker		15.35
01531 - Travel Clerk I		11.93
01532 - Travel Clerk II		13.17
01533 - Travel Clerk III		14.20
01611 - Word Processor I		13.01
01612 - Word Processor II		14.79
01613 - Word Processor III		17.17

05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	18.42
05010 - Automotive Electrician	18.01
05040 - Automotive Glass Installer	16.38
05070 - Automotive Worker	17.03
05110 - Mobile Equipment Servicer	14.26
05130 - Motor Equipment Metal Mechanic	19.16
05160 - Motor Equipment Metal Worker	17.03
05190 - Motor Vehicle Mechanic	18.42
05220 - Motor Vehicle Mechanic Helper	13.98
05250 - Motor Vehicle Upholstery Worker	15.90
05280 - Motor Vehicle Wrecker	17.03
05310 - Painter, Automotive	17.32
05340 - Radiator Repair Specialist	17.03
05370 - Tire Repairer	11.29
05400 - Transmission Repair Specialist	19.16
07000 - Food Preparation And Service Occupations	
07010 - Baker	12.13
07041 - Cook I	10.30
07042 - Cook II	11.88
07070 - Dishwasher	7.25
07130 - Food Service Worker	8.54
07210 - Meat Cutter	14.10
07260 - Waiter/Waitress	9.04
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	17.84
09040 - Furniture Handler	12.10
09080 - Furniture Refinisher	17.84
09090 - Furniture Refinisher Helper	13.88
09110 - Furniture Repairer, Minor	15.74
09130 - Upholsterer	16.91
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	9.04
11060 - Elevator Operator	9.04
11090 - Gardener	12.13
11122 - Housekeeping Aide	9.13
11150 - Janitor	9.13
11210 - Laborer, Grounds Maintenance	9.57
11240 - Maid or Houseman	7.56
11260 - Pruner	8.56
11270 - Tractor Operator	11.45
11330 - Trail Maintenance Worker	9.57
11360 - Window Cleaner	10.21
12000 - Health Occupations	
12010 - Ambulance Driver	14.46
12011 - Breath Alcohol Technician	14.74
12012 - Certified Occupational Therapist Assistant	19.56
12015 - Certified Physical Therapist Assistant	22.65
12020 - Dental Assistant	13.79
12025 - Dental Hygienist	26.58
12030 - EKG Technician	23.63
12035 - Electroneurodiagnostic Technologist	23.63
12040 - Emergency Medical Technician	14.46
12071 - Licensed Practical Nurse I	13.26
12072 - Licensed Practical Nurse II	14.83
12073 - Licensed Practical Nurse III	16.54
12100 - Medical Assistant	13.07
12130 - Medical Laboratory Technician	16.47
12160 - Medical Record Clerk	14.11
12190 - Medical Record Technician	15.78
12195 - Medical Transcriptionist	14.72

12210 - Nuclear Medicine Technologist	34.15
12221 - Nursing Assistant I	8.68
12222 - Nursing Assistant II	9.55
12223 - Nursing Assistant III	10.65
12224 - Nursing Assistant IV	11.95
12235 - Optical Dispenser	14.73
12236 - Optical Technician	11.22
12250 - Pharmacy Technician	14.38
12280 - Phlebotomist	11.96
12305 - Radiologic Technologist	22.55
12311 - Registered Nurse I	25.86
12312 - Registered Nurse II	29.44
12313 - Registered Nurse II, Specialist	29.44
12314 - Registered Nurse III	35.62
12315 - Registered Nurse III, Anesthetist	35.62
12316 - Registered Nurse IV	42.69
12317 - Scheduler (Drug and Alcohol Testing)	19.01
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	19.51
13012 - Exhibits Specialist II	24.18
13013 - Exhibits Specialist III	29.58
13041 - Illustrator I	19.03
13042 - Illustrator II	23.59
13043 - Illustrator III	28.85
13047 - Librarian	26.77
13050 - Library Aide/Clerk	10.10
13054 - Library Information Technology Systems Administrator	24.18
13058 - Library Technician	14.82
13061 - Media Specialist I	17.44
13062 - Media Specialist II	19.51
13063 - Media Specialist III	21.76
13071 - Photographer I	14.94
13072 - Photographer II	16.73
13073 - Photographer III	20.74
13074 - Photographer IV	25.38
13075 - Photographer V	30.61
13110 - Video Teleconference Technician	18.84
14000 - Information Technology Occupations	
14041 - Computer Operator I	13.41
14042 - Computer Operator II	16.20
14043 - Computer Operator III	19.95
14044 - Computer Operator IV	20.79
14045 - Computer Operator V	24.54
14071 - Computer Programmer I	(see 1) 24.88
14072 - Computer Programmer II	(see 1) 27.62
14073 - Computer Programmer III	(see 1)
14074 - Computer Programmer IV	(see 1)
14101 - Computer Systems Analyst I	(see 1)
14102 - Computer Systems Analyst II	(see 1)
14103 - Computer Systems Analyst III	(see 1)
14150 - Peripheral Equipment Operator	13.41
14160 - Personal Computer Support Technician	20.79
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	29.76
15020 - Aircrew Training Devices Instructor (Rated)	36.00
15030 - Air Crew Training Devices Instructor (Pilot)	43.15
15050 - Computer Based Training Specialist / Instructor	29.76
15060 - Educational Technologist	28.58
15070 - Flight Instructor (Pilot)	43.15
15080 - Graphic Artist	22.19

15090 - Technical Instructor	22.12
15095 - Technical Instructor/Course Developer	27.38
15110 - Test Proctor	18.04
15120 - Tutor	17.93
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	8.52
16030 - Counter Attendant	8.52
16040 - Dry Cleaner	10.29
16070 - Finisher, Flatwork, Machine	8.52
16090 - Presser, Hand	8.52
16110 - Presser, Machine, Drycleaning	8.52
16130 - Presser, Machine, Shirts	8.52
16160 - Presser, Machine, Wearing Apparel, Laundry	8.52
16190 - Sewing Machine Operator	10.87
16220 - Tailor	11.48
16250 - Washer, Machine	9.11
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	19.03
19040 - Tool And Die Maker	20.94
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	17.58
21030 - Material Coordinator	24.15
21040 - Material Expediter	24.15
21050 - Material Handling Laborer	10.77
21071 - Order Filler	11.54
21080 - Production Line Worker (Food Processing)	17.58
21110 - Shipping Packer	13.22
21130 - Shipping/Receiving Clerk	13.22
21140 - Store Worker I	10.39
21150 - Stock Clerk	14.56
21210 - Tools And Parts Attendant	17.58
21410 - Warehouse Specialist	17.58
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	21.41
23021 - Aircraft Mechanic I	20.27
23022 - Aircraft Mechanic II	21.41
23023 - Aircraft Mechanic III	22.54
23040 - Aircraft Mechanic Helper	14.65
23050 - Aircraft, Painter	19.05
23060 - Aircraft Servicer	16.89
23080 - Aircraft Worker	17.72
23110 - Appliance Mechanic	16.91
23120 - Bicycle Repairer	11.29
23125 - Cable Splicer	24.80
23130 - Carpenter, Maintenance	17.68
23140 - Carpet Layer	15.52
23160 - Electrician, Maintenance	19.61
23181 - Electronics Technician Maintenance I	17.56
23182 - Electronics Technician Maintenance II	20.93
23183 - Electronics Technician Maintenance III	22.27
23260 - Fabric Worker	14.91
23290 - Fire Alarm System Mechanic	18.00
23310 - Fire Extinguisher Repairer	13.81
23311 - Fuel Distribution System Mechanic	18.33
23312 - Fuel Distribution System Operator	14.29
23370 - General Maintenance Worker	19.25
23380 - Ground Support Equipment Mechanic	20.27
23381 - Ground Support Equipment Servicer	16.89
23382 - Ground Support Equipment Worker	17.72
23391 - Gunsmith I	13.81
23392 - Gunsmith II	15.93

23393 - Gunsmith III	18.63
23410 - Heating, Ventilation And Air-Conditioning Mechanic	18.00
23411 - Heating, Ventilation And Air Contditioning Mechanic (Research Facility)	19.07
23430 - Heavy Equipment Mechanic	20.78
23440 - Heavy Equipment Operator	17.76
23460 - Instrument Mechanic	21.80
23465 - Laboratory/Shelter Mechanic	17.49
23470 - Laborer	10.77
23510 - Locksmith	16.91
23530 - Machinery Maintenance Mechanic	22.52
23550 - Machinist, Maintenance	18.94
23580 - Maintenance Trades Helper	15.16
23591 - Metrology Technician I	21.80
23592 - Metrology Technician II	23.08
23593 - Metrology Technician III	24.31
23640 - Millwright	20.16
23710 - Office Appliance Repairer	17.81
23760 - Painter, Maintenance	16.37
23790 - Pipefitter, Maintenance	18.23
23810 - Plumber, Maintenance	17.24
23820 - Pneudraulic Systems Mechanic	18.00
23850 - Rigger	18.00
23870 - Scale Mechanic	15.93
23890 - Sheet-Metal Worker, Maintenance	17.53
23910 - Small Engine Mechanic	15.52
23931 - Telecommunications Mechanic I	23.54
23932 - Telecommunications Mechanic II	24.96
23950 - Telephone Lineman	17.41
23960 - Welder, Combination, Maintenance	18.00
23965 - Well Driller	18.00
23970 - Woodcraft Worker	18.00
23980 - Woodworker	15.20
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	11.00
24580 - Child Care Center Clerk	14.04
24610 - Chore Aide	9.42
24620 - Family Readiness And Support Services Coordinator	12.93
24630 - Homemaker	15.32
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	25.58
25040 - Sewage Plant Operator	18.55
25070 - Stationary Engineer	23.58
25190 - Ventilation Equipment Tender	16.66
25210 - Water Treatment Plant Operator	18.55
27000 - Protective Service Occupations	
27004 - Alarm Monitor	13.45
27007 - Baggage Inspector	13.19
27008 - Corrections Officer	15.55
27010 - Court Security Officer	16.71
27030 - Detection Dog Handler	14.75
27040 - Detention Officer	15.55
27070 - Firefighter	17.27
27101 - Guard I	13.19
27102 - Guard II	14.75
27131 - Police Officer I	17.14
27132 - Police Officer II	18.98
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	11.16

28042	- Carnival Equipment Repairer	11.99
28043	- Carnival Equipment Worker	8.57
28210	- Gate Attendant/Gate Tender	14.30
28310	- Lifeguard	11.34
28350	- Park Attendant (Aide)	16.00
28510	- Recreation Aide/Health Facility Attendant	11.68
28515	- Recreation Specialist	17.62
28630	- Sports Official	12.75
28690	- Swimming Pool Operator	17.62
29000	- Stevedoring/Longshoremen Occupational Services	
29010	- Blocker And Bracer	22.18
29020	- Hatch Tender	22.18
29030	- Line Handler	22.18
29041	- Stevedore I	21.49
29042	- Stevedore II	24.37
30000	- Technical Occupations	
30010	- Air Traffic Control Specialist, Center (HFO) (see 2)	35.77
30011	- Air Traffic Control Specialist, Station (HFO) (see 2)	24.66
30012	- Air Traffic Control Specialist, Terminal (HFO) (see 2)	27.16
30021	- Archeological Technician I	20.28
30022	- Archeological Technician II	22.69
30023	- Archeological Technician III	28.11
30030	- Cartographic Technician	27.87
30040	- Civil Engineering Technician	24.43
30061	- Drafter/CAD Operator I	20.28
30062	- Drafter/CAD Operator II	22.69
30063	- Drafter/CAD Operator III	25.28
30064	- Drafter/CAD Operator IV	29.85
30081	- Engineering Technician I	17.77
30082	- Engineering Technician II	20.10
30083	- Engineering Technician III	22.53
30084	- Engineering Technician IV	27.93
30085	- Engineering Technician V	32.62
30086	- Engineering Technician VI	37.46
30090	- Environmental Technician	27.76
30210	- Laboratory Technician	23.96
30240	- Mathematical Technician	27.76
30361	- Paralegal/Legal Assistant I	15.07
30362	- Paralegal/Legal Assistant II	21.76
30363	- Paralegal/Legal Assistant III	26.62
30364	- Paralegal/Legal Assistant IV	32.19
30390	- Photo-Optics Technician	27.76
30461	- Technical Writer I	25.63
30462	- Technical Writer II	31.34
30463	- Technical Writer III	37.91
30491	- Unexploded Ordnance (UXO) Technician I	22.74
30492	- Unexploded Ordnance (UXO) Technician II	27.51
30493	- Unexploded Ordnance (UXO) Technician III	32.97
30494	- Unexploded (UXO) Safety Escort	22.74
30495	- Unexploded (UXO) Sweep Personnel	22.74
30620	- Weather Observer, Combined Upper Air Or (see 2)	23.71
	Surface Programs	
30621	- Weather Observer, Senior (see 2)	26.00
31000	- Transportation/Mobile Equipment Operation Occupations	
31020	- Bus Aide	10.40
31030	- Bus Driver	13.64
31043	- Driver Courier	13.74
31260	- Parking and Lot Attendant	9.90
31290	- Shuttle Bus Driver	14.10
31310	- Taxi Driver	10.19
31361	- Truckdriver, Light	14.10

31362 - Truckdriver, Medium	15.22
31363 - Truckdriver, Heavy	16.28
31364 - Truckdriver, Tractor-Trailer	16.28
99000 - Miscellaneous Occupations	
99030 - Cashier	8.05
99050 - Desk Clerk	10.00
99095 - Embalmer	21.73
99251 - Laboratory Animal Caretaker I	9.28
99252 - Laboratory Animal Caretaker II	10.08
99310 - Mortician	26.29
99410 - Pest Controller	13.56
99510 - Photofinishing Worker	12.34
99710 - Recycling Laborer	13.96
99711 - Recycling Specialist	16.94
99730 - Refuse Collector	11.96
99810 - Sales Clerk	10.45
99820 - School Crossing Guard	11.07
99830 - Survey Party Chief	20.77
99831 - Surveying Aide	13.52
99832 - Surveying Technician	18.47
99840 - Vending Machine Attendant	14.31
99841 - Vending Machine Repairer	17.62
99842 - Vending Machine Repairer Helper	14.31

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.50 per hour or \$140.00 per week or \$606.67 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 8 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of eleven paid holidays per year: New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For

example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the

following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage

and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).

4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.

5) The contracting officer transmits the Wage and Hour decision to the contractor.

6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.