



Tuesday, August 25, 2015

Ms. Tiffany Jones
U.S. Department of Labor
Room S-2312
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Ms. Flowers
General Services Administration
Regulatory Secretariat (MVCB)
1800 F St. NW, 2nd Floor
Washington, DC 20405

Re: Comments on Regulations (FAR Case 2014-025) and Guidance (ZRIN-1290-ZA02) Implementing the Fair Pay and Safe Workplaces Executive Order

Dear Ms. Jones and Ms. Flowers:

Thank you for this opportunity to register our support for the proposed regulations and guidance to implement the Fair Pay and Safe Workplaces Executive Order (E.O. 13673). Implementation of these provisions will help ensure that federal contractors respect their workers and comply with workplace laws, two worthwhile goals.

The federal government contracts out hundreds of billions of dollars' worth of goods and services every year. While existing regulations require that the government only contract with responsible companies with a satisfactory record of integrity and ethics, the federal procurement system does not effectively review the responsibility records of companies before awarding contracts, or impose conditions on violators to encourage them to clean up their acts. Best practices call for oversight action, without it, many companies will not comply with legal and ethical standards.

As a result, contractors that violate workplace laws have little incentive to come into compliance, and companies with the most egregious violations of these laws continue to receive federal contracts. For example, according to a 2013 report from the Senate Health, Education, Labor and Pensions Committee, the government awarded \$81 billion in federal contracts in a single year to companies with the most egregious violations of wage and workplace safety laws.

This not only harms workers, but also taxpayers. A recent report from the Center for American Progress Action Fund shows that contracting with companies that have the worst records of workplace violations also frequently results in poor contract perfor-

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mance. These problems have included contractors defrauding the federal government; performance problems and delays during the development of a major weapons system that cost the government billions of dollars; and an oil rig explosion that spilled millions of barrels of oil into the Gulf of Mexico.

Executive Order 13673 promises to protect workers, ensure taxpayers receive good value and help law abiding businesses compete on an even playing field by creating a fair contractor responsibility review process.

The draft regulations and guidance put forth by the administration will allow contracting agencies to partner with the Department of Labor to evaluate bidders' records of compliance with workplace laws and, when necessary, work with companies to ensure that they come into compliance before receiving any new contracts.

We applaud the FAR Council and the Department of Labor for offering robust draft regulations and guidance. Moreover, we encourage the FAR Council and the Department of Labor to strengthen the final regulations and guidance even further by creating a substantive process for stakeholder involvement; strengthening remedies to ensure that companies do not fall out of compliance; boosting disclosure requirements to the government and to the public and upholding a thorough review process for subcontracting companies.

We urge the administration to act swiftly to implement final regulations in order to help ensure that the federal government upholds its commitment to only contract with companies with a satisfactory record of integrity and ethics.

Thank you for your time and consideration in this matter.



Toni Van Pelt, President

Jonathan Kurtz, Chairman