
The purpose of RM D&S, *Concessions Management by Non-Federal Managing Partners* (LND 04-02), is to establish minimum approval standards for all new, modified, or renewed concession contracts issued by non-Federal managing partners at the Bureau of Reclamation’s recreation areas. The benefit of this D&S is to ensure successful visitor services opportunities on Reclamation land and waterbodies by establishing uniform requirements for management of concessions at non-Federal partner managed recreation areas.

LND 04-02 was originally released in 2002 and is currently in need of revisions to ensure it continues to be an effective and value-added document. LND 04-02 is a working document that provides requirements and direction for staff involved in Reclamation’s recreation program concerning concessions management at non-Federal partner managed recreation areas.

Reclamation’s LND 04-02 revisions team working on modifications to this D&S is comprised of Reclamation subject-matter experts from all regions, including staff involved in Reclamation’s recreation program and staff in the Dam Safety and Infrastructure directorate.

The RM is used to clarify program requirements, responsibilities, and authority; and to document internal Reclamation-wide methods of conducting business. All requirements in the RM are mandatory.

See the following pages for the draft D&S.
Subject: Concessions Management by Non-Federal Partners

Purpose: Establishes minimum approval standards for all new, modified, or renewed concession contracts issued by non-Federal managing partners at the Bureau of Reclamation’s recreation areas. The benefit of this Directives and Standards (D&S) is to ensure successful visitor services opportunities on Reclamation land and waterbodies by establishing uniform requirements for management of concessions at partner managed recreation areas.

Authority: See Appendix A in Reclamation Manual (RM), Policy, Concessions Management (LND P02)

Approving Official: Director, Dam Safety and Infrastructure

Contact: Asset Management Division (86-67200)

1. Introduction. Reclamation’s managing partners are authorized through management agreements to seek and enter into contracts with concessionaires to manage lands, facilities, and waterbodies at Reclamation projects in response to public demand for recreation opportunities, as determined appropriate by the authorized official. The authorized official will ensure that concessions operations are subject to the terms of the management agreement with the managing partner as well as the concessions contract.

2. Applicability. This D&S applies to all Reclamation employees who oversee concessions at partner managed recreation areas, including the planning, development, and management of concessions operations. RM Policy, Concessions Management (LND P02); RM Policy, Recreation Program Management (LND P04); and RM D&S, Recreation Program Management (LND 01-03) provide mandatory requirements for a wide variety of recreation activities. The authorized official must ensure that new concession contracts issued by managing partners comply with these Policies and D&S.

3. Managing Partner Agreements.

A. Third-Party Concession Contracts. Third-party concession contracts are agreements between the managing partner and another entity to provide concession related services, goods, and facilities. As stated in LND P02, the authorized official will ensure that partner managed concessions activities do not conflict with authorized project purposes. The authorized official must ensure that existing concession contracts issued by managing partners are brought into compliance with LND P02 and this D&S at the first available opportunity. The authorized official will require notification if a concession contract is amended or terminated because of contract default or for other reasons. The authorized official must ensure that the amended or subsequent concession contract is in compliance with LND P02 and this D&S.
Reclamation Manual
Directives and Standards

(1) **Contract Standards.** The authorized official must ensure that any concession contract issued by the managing partner meets the requirements of LND P02 and this D&S. If LND P02 or this D&S conflict with state laws and regulations, the appropriate laws and regulations will be utilized as determined by the authorized official.

(2) **Contract Approval.** Authorized officials are responsible for the review and approval of all partner managed concession contracts and modifications or transfers of concessions contracts. Partner managed contracts will be submitted for Dam Safety and Infrastructure review and comment at the discretion of the authorized official.

(3) **Stand In-Stead Conditions.** Reclamation’s regional and area office employees who oversee concessions will ensure that all concession contracts state that Reclamation will not stand in-stead for the managing partner if the management agreement expires or is terminated. At the authorized official’s discretion, a new concession contract will be issued that is in compliance with RM D&S, *Concessions Management by Reclamation* (LND 04-01) subsequent to expiration or termination of the management agreement.

**B. Concessions Review.** The authorized official is responsible for ensuring that reviews are conducted consistent with RM D&S, *Review of Operation and Maintenance Program Examination of Associated Facilities (Facilities Other Than High and Significant-Hazard Dams)*, FAC 01-04. All management agreements will require concession operation reviews. In addition to the frequency of reviews set forth in FAC 01-04, the authorized official will determine when risks are such that more frequent reviews, such as annual reviews, are required. The authorized official has the discretion to conduct unplanned reviews, as necessary. If a review identifies operational or administrative deficiencies in the operation of a concession, the authorized official must ensure a timetable is established by the managing partner to correct these deficiencies pursuant to recommendation categorizing and tracking requirements in FAC 01-04.

**C. Disposition of Fees.** Unless state or local laws direct how concession fees paid to the managing partner will be used, the authorized official must ensure the following will apply:

(1) Revenue from fees generated by concessions will be returned to the recreation area where they are collected to provide for operation, maintenance, and replacement or enhancement of recreation facilities or new facility development.

(2) Any excess revenue from fees generated from concessions that are not returned to the recreation area in accordance with section 3.C.(1) above will be returned to
Reclamation and disposed of according to RM, D&S *Crediting of Incidental Revenues* (PEC 03-01).

4. **Statistical Data.** Statistical data is utilized for various purposes such as reporting to the Department of the Interior, the Commissioner’s Office, and Congressional Research Service, as well as for determining whether recreation programs are to be increased or expanded. In addition, the data will assist with Reclamation’s planning efforts. As such, the authorized official will ensure that the managing partner require that concessionaires furnish information annually, at minimum, or as needed; and in the manner specified by the authorized official. This information shall be produced in a timely manner. If the concessionaire is not tracking the data requested, Reclamation’s regional and area office employees who oversee concessions will ensure the concessionaire begins tracking such data.

5. **Concessions Planning.** The authorized official shall ensure that concession development will adhere to the principles listed in LND P02, will be based on appropriate plans developed by the managing partner, and is approved by the authorized official. Reclamation’s regional and area office employees who oversee concessions will provide direction and assistance in the process, as necessary, to accomplish effective commercial services planning.

6. **Concessions Contracting.** The authorized official must ensure the managing partner require a competitive process for all concession’s contracts. The authorized official will also ensure that the following items will be addressed in all new and renewed concessions contracts issued by managing partners.

   A. **Sale and Transfer.** The authorized official shall ensure that the managing partner require that concessionaires have no authority to sell, assign, transfer, parcel out, modify, extend, sublet, renew, or amend the concession contract or any interest therein, except when agreed to in writing by the authorized official. The sale and transfer of existing concessions must be approved according to the concessions contract and reported to the authorized official in a timely manner.

   B. **Contract Language.** The authorized official shall ensure that the managing partner will develop and use contract language that complies with all applicable Federal and state laws, regulations, and Executive Orders (E.O.). The authorized official will provide examples of standard contract structure and language as requested by the managing partner or concessionaire.

   C. **Minimum Wage Contract Clause.** The authorized official will ensure that all partner managed concessions contracts issued, modified, or amended after January 1, 2015, include the Minimum Wage Contract Clause specified in Appendix A of this D&S, under Executive Order (E.O.) 13658, *Establishing Minimum Wage for Contractors*. 
D. **Length of Term.** The authorized official will ensure the managing partner requires a term of a concession that does not exceed the term of the management agreement between Reclamation and the managing partner. The authorized official shall ensure that the managing partner require a term that is primarily based on the investment required of the concessionaire, as determined by a financial evaluation and/or amortization schedule, to ensure that the concessionaire receives a reasonable return on their investment.

E. **Subconcessions.** The authorized official will ensure that the partner managed subconcessions meets the terms and conditions of the prime concession contract. In addition, the authorized official must ensure that the managing partner determines whether to approve subconcessions and notifies the authorized official in advance of any authorization that require Reclamation approval.

F. **Capital Improvement Program.** All designs and construction must comply with applicable Federal, state, and local laws and regulations, including but not limited to environmental, historic preservation, and accessibility laws, regulations, and building code requirements. In areas where no local construction standards exist, the authorized official will provide appropriate standards. Reclamation’s regional and area office employees who oversee concessions shall ensure that the managing partner require building permits to be obtained from local authorities by the concessionaire when required and before construction. All facilities will be harmonious in form, line, color, and texture with the surrounding landscape.

G. **Operation and Maintenance Plan.** The authorized official must ensure that the managing partner require that concessionaires prepare an annual operation and maintenance plan, which must be approved by the managing partner. The concession contract must clearly state what the plan will contain. Reclamation’s regional and area office employees who oversee concessions will provide examples of such plans at the request of the managing partner and the concessionaire.

H. **Reimbursement for Fixed Assets.**

1. A right to reimbursement upon expiration or termination exists at the discretion of the authorized official when a concessionaire constructs the authorized official’s approved fixed assets on the Federal estate. Reclamation’s regional and area office employees who oversee concessions must ensure that title to fixed assets is established in the concession contract by the managing partner and that reimbursement to a concessionaire for fixed assets is the responsibility of the managing partner. In addition, the authorized official will ensure the managing partner require concession contracts provide the appropriate language regarding interests in fixed assets and methods of reimbursement, if any, to the concessionaire by the managing partner.
In the event the managing partner’s agreement with Reclamation expires or is terminated without a commitment by both the authorized official and the managing partner to enter into another agreement, the authorized official must ensure that the managing partner require that all the concessionaire’s fixed assets and personal property are removed from the Federal estate unless the authorized official decides to issue new concessions contract and/or retain the fixed assets. The authorized official will ensure that the managing partner is responsible for the concession area promptly being restored back to a condition agreeable to the authorized official.

The authorized official shall ensure that the managing partner require that the concession contract clearly states that no financial obligation or risk will reside in the Federal Government for reimbursement for fixed assets or personal property as a result of the managing partner awarding a concession contract. The authorized official must ensure that all new concession contracts issued by the managing partner will address rights of reimbursement to the concessionaire for fixed assets and that future interests in a concessionaire’s fixed assets does not extend beyond the term of the management agreement.

I. Area of Operation. The authorized official shall ensure that the managing partner require that each concession contract authorize and define the physical area necessary to conduct the business activities allowed by the contract. Concession boundaries must be included in the concession contract as an exhibit map. The authorized official must ensure that the managing partner require that all permanent land-based facilities be located outside of the flood pool or other area deemed unsafe by Reclamation.

J. Additional Facilities or Services. The authorized official must ensure that the managing partner require that any proposal for expansion of facilities or services must be reviewed and approved by the managing partner and the authorized official prior to beginning the process for implementation of an expansion.

K. Private Exclusive Recreational or Residential Uses. Reclamation prohibits any use that would result in new private exclusive recreational or residential uses of Reclamation land, facilities, or waterbodies under 43 CFR Part 429. Existing private exclusive recreational or residential use that are compliant with the terms and conditions of an existing use authorization, as specified in 43 CFR Part 429, is not considered new private exclusive recreational or residential uses. Existing private exclusive recreational or residential uses will be administered under 43 CFR Part 429 and 43 CFR Part 21, as applicable. Concessions owners and staff are allowed to reside on the Federal estate to safeguard their facilities and be available for public assistance at the discretion of the authorized official or managing partner, as appropriate. At the end of a concessions contract, owners and staff will be required to vacate the premises and leave it in a state acceptable to the authorized official.
L. **Reclamation Rights.** The authorized official must ensure that all concession contracts are subject to the rights of Reclamation and its agents to use the subject lands and waters for project purposes.

M. **Termination of Concession Contract.** The authorized official must ensure that concession contracts acknowledge the right of the authorized official to terminate, for cause, any concession contract authorized by a managing partner.

N. **Total Benefits.** The authorized official must ensure that the managing partner establish and recover fair benefits, including direct return and direct and indirect benefits, for the uses, rights, and privileges granted by a concession contract.

O. **Rates and Merchandise.** The authorized official must ensure that the managing partner require the following concerning rates:

(1) Rates charged by the concessionaires are based on comparable rates for facilities, services, food, and merchandise rates in the geographic proximity.

(2) Rates are reviewed for approval by the managing partner on an annual basis.

(3) Rates are capable of yielding a fair return to the concessionaire and a reasonable charge to the public.

(4) Any rates in excess of comparable rates must be thoroughly justified and supported in writing by the concessionaire and approved by the managing partner.

P. **Concessions Safety Program.** The authorized official will ensure the managing partner require that concessionaires are responsible for providing and ensuring a safe and healthy environment for both the visiting public and employees by developing, implementing, and administering health, safety, and other programs to ensure that concession areas are managed in compliance with Federal, state, and local laws, and regulations.

Q. **Environmental Compliance.** The authorized official will ensure the managing partner require that the concessionaires follow all applicable Federal, state, and local laws, rules, and regulations. The authorized official shall ensure the managing partner require that the application for and acquisition of all required certifications and permits are the responsibility of the concessionaire. The authorized official will ensure the managing partner require that concession contracts address all activities with potential environmental impacts including, but not limited to:

(1) The scheduled replacement of non-encapsulated polystyrene (Styrofoam™) with another acceptable dock floatation device,
(2) Hazardous materials storage, handling, and disposal.

(3) Invasive and nuisance species control.

(4) Soil erosion mitigation.

(5) Water pollution control.

(6) Other site-specific environmental concerns, as required.

R. Flotation for Facilities on Reclamation Waters. The authorized official will ensure that the managing partner require that materials are of the kind that will not become waterlogged, are resistant to damage by animals, and will not sink or contaminate the water if punctured. Approved flotation materials include extruded polystyrene, polyethylene, and expanded polystyrene, all of which have been encased with a protective covering that is warranted by the manufacturer for at least 8 years or more against cracking, peeling, sloughing, and deterioration from ultra violet rays while retaining its resiliency against ice and bumps by watercraft. Reclamation’s regional and area office employees who oversee concessions shall ensure that the managing partner and the concessionaire agree to a timeline to replace existing flotation that does not meet the requirements of this D&S.

S. Food Sanitation. The authorized official will ensure that the managing partner require that concessionaire’s food services will comply with Federal, state, and local food handling and sanitation regulations. Copies of inspection reports will be retained by the managing partner and provided to the authorized official upon request. The authorized official will ensure managing partners provide notification to Reclamation and address any identified violations.

T. Advertising and Signs. Reclamation’s regional and area office employees who oversee concessions will ensure that the managing partner require that use of the Reclamation seal, logo, or name must be approved by the authorized official before it is displayed in advertisements or on signs.

U. Sale of Personal Property. The authorized official shall ensure that the managing partner require that the sale of personal property other than the approved concessions inventory is prohibited on the Federal estate. No party will be permitted to sell personal property, including but not limited to vehicles, manufactured or mobile homes, house trailers, travel trailers, boats, or personal watercraft on the Federal estate that is not contained in the approved concessions inventory. If allowed by state law and written into the concession contract, the authorized official has the discretion to authorize the managing partner’s approval of the concessionaire brokering the sales of watercraft at a marina on behalf of a private individual.
V. **Utility Services Provided by Reclamation.** The fee charged for utility services provided by Reclamation will be based on the recovery of full operating and replacement costs for utility capital investments and comparable utility rates. Utility services include, but are not limited to, electricity, power, water, waste disposal, gas, and communication systems.

W. **Insurance Program.** The authorized official must ensure that the managing partner require the concessionaires to have and maintain an appropriate insurance policy, as determined by the managing partner. The policy will indemnify the United States and meet applicable state requirements. The authorized official will ensure that all liability policies will provide that the insurance company will have no right of subrogation against the United States and must provide that the United States is named as an additional insured. The authorized official will also require that the managing partner ensure that all liability policies between the concessionaire and the managing partner provide that the insurance company will have no right of subrogation against the managing partner. The authorized official must ensure that a copy of the insurance certificate that identifies the above conditions is provided by the managing partners.

X. **System of Recordkeeping.** The authorized official shall ensure that the managing partner require financial reports and records necessary for management and oversight of concessions and that the records are maintained and available to the managing partner and Reclamation employees who oversee concessions, upon request. In addition, the authorized official will ensure that the managing partner require that each concessionaire complete Reclamation’s Annual Financial Report (AFR) form(s) and Recreation Use Data Report (RUDR) on an annual basis, or as requested by the authorized official. The authorized official must approve of other types of financial reports provided by the managing partner and concessionaire that supplement the AFR.

7. **Concessions Administration.**

A. **Concessions Review.** Refer to section 3.B. for concessions review requirements.

B. **Non-Profit Organizations.** The authorized official will ensure that the managing partner require that non-profit organizations are approved by the managing partner if the non-profit organization operates within a concession or elsewhere on the Federal estate. The authorized official must ensure the managing partner require that the non-profit organization is responsible for maintaining its accounting system, and the system will not be combined with a concessionaire’s AFR. Non-profit organizations will also be given very clear instructions identifying the type of business they are authorized to conduct and the types of goods and services they will be providing. The authorized official must ensure that the managing partner require written proof of the organization’s non-profit status.
C. **Employment of Reclamation Personnel or Family Members.** Reclamation employees involved in recreation and concessions or their immediate family members (i.e., spouses and minor children of Reclamation employees) will not be owners, partners, board members, corporate officers, general managers, or employees of any business providing commercial services on the Federal estate, nor will they have any financial interest in such a company. Ownership of stock shares traded in a recognized open market is not considered a financial interest under this D&S. Reclamation employees are further prohibited from using their public office for private or family gain.

A Reclamation employee involved in preparing specifications, awarding a contract, or administering a concession shall not be involved in that activity if the employee or a family member is involved in any phase or operation of that concession. Any Reclamation employee or family member responsible for any phase of a concession contract will be excused from duties related to the concession contract if the employee or family member is involved in competing for the contract or if the Reclamation employee will benefit financially from the awarding of the contract Federal estate.

8. **Definitions.**

   A. **Authorized Official.** Regional directors or their delegates as referenced in the RM *Delegations of Authority*, section 3.D.

   B. **Concession.** A concession is a non-governmental commercial business that supports appropriate public recreation uses by providing facilities and/or goods and services from which revenues are collected by the entity contracted to provide the operations. A concession involves the use of the Federal estate and potentially involves the development of real property improvements. A concession is most often a commercial, for-profit entity or a non-profit entity.

   C. **Federal Estate.** The Federal land and water areas under the primary jurisdiction of Reclamation.

   D. **Fixed Assets.** Fixed assets are any structures, fixtures, or capital improvements permanently attached to the Federal estate.

   E. **Improvement.** An addition to real property that increases its value or utility or that enhances its appearance.

   F. **Management Agreement.** A management agreement is a binding contract between Reclamation and a managing partner to provide and manage public recreation opportunities and concession services on the Federal estate.
G. **Managing Partner.** A non-Federal public entity that manages recreation and other resources through a contractual management agreement with Reclamation.

H. **Non-Profit Organization.** A group organized for purposes other than generating profit and in which no part of the organization's income is distributed to its members, directors, or officers. Non-profit organizations must be designated as non-profit when created and may only pursue purposes permitted by statutes for non-profit organizations. Examples of non-profit organizations include churches, public schools, public charities, public clinics and hospitals, political organizations, legal aid societies, volunteer services organizations, labor unions, professional associations, research institutes, museums, and some governmental agencies.

I. **Private Exclusive Recreational or Residential Uses.** Any use that involves structures or other improvements used for recreational or residential purposes to the exclusion of public uses and are not associated with the official management of a Reclamation project. This includes those uses described in 43 CFR Part 429 and the uses currently defined in 43 CFR Part 21.

J. **Stand In-Stead.** Taking the place of a managing partner or concessionaire in the event that the partner or concessionaire is no longer authorized or able to perform the contract/agreement, or the contract/agreement has terminated or expired.

K. **Total Benefits to the Government.**

   (1) **Direct Returns.** Fees generated by authorized concession contracts and paid directly to the managing partner or to the United States Treasury and credited in accordance with RM D&S, Crediting of Incidental Revenues (PEC 03-01).

   (2) **Direct Benefits.** These are fees paid into a contractually designated special account for resource and capital improvements that directly benefit the public in the area of operations where the fees are collected.

   (3) **Indirect Benefits.** These are services performed by the concessionaire that benefit the public or improvements made to the Federal estate by the concessionaire.

L. **Review Period.** The originating office will review this release every 4 years.
Attachment 1: Contract Clause

MINIMUM WAGES UNDER EXECUTIVE ORDER 13658 (JANUARY 2015)

(a) Definitions. As used in this clause—

“United States” means the 50 states and the District of Columbia.

“Worker”—

(1) Means any person engaged in performing work on, or in connection with, a contract covered by Executive Order 13658, and

(i) Whose wages under such contract are governed by the Fair Labor Standards Act (29 U.S.C. chapter 8), the Service Contract Labor Standards statute (41 U.S.C. chapter 67), or the Wage Rate Requirements (Construction) statute (40 U.S.C. chapter 31, subchapter IV),

(ii) Other than individuals employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in 29 CFR part 541,

(iii) Regardless of the contractual relationship alleged to exist between the individual and the employer.

(2) Includes workers performing on, or in connection with, the contract whose wages are calculated pursuant to special certificates issued under 29 U.S.C. 214(c).

(3) Also includes any person working on, or in connection with, the contract and individually registered in a bona fide apprenticeship or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship.

(b) Executive Order Minimum Wage rate. (1) The Contractor shall pay to workers, while performing in the United States, and performing on, or in connection with, this contract, a minimum hourly wage rate of $10.10 per hour beginning January 1, 2015.

(2) The Contractor shall adjust the minimum wage paid, if necessary, beginning January 1, 2015 and annually thereafter, to meet the Secretary of Labor's annual E.O. minimum wage. The Administrator of the Department of Labor's Wage and Hour Division (the Administrator) will publish annual determinations in the Federal Register no later than 90 days before the effective date of the new E.O. minimum wage rate. The Administrator will also publish the applicable E.O. minimum wage on www.wdol.gov (or any successor Web site) and on all wage determinations issued under the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute. The applicable published E.O. minimum wage is incorporated by reference into this contract.
(3)(i) The Contractor may request a price adjustment only after the effective date of the new annual E.O. minimum wage determination. Prices will be adjusted only if labor costs increase as a result of an increase in the annual E.O. minimum wage, and for associated labor costs and relevant subcontract costs. Associated labor costs shall include increases or decreases that result from changes in social security and unemployment taxes and workers' compensation insurance, but will not otherwise include any amount for general and administrative costs, overhead, or profit.

(ii) Subcontractors may be entitled to adjustments due to the new minimum wage, pursuant to paragraph (b)(2). Contractors shall consider any subcontractor requests for such price adjustment.

(iii) The Contracting Officer will not adjust the contract price under this clause for any costs other than those identified in paragraph (b)(3)(i) of this clause, and will not provid duplicate price adjustments with any price adjustment under clauses implementing the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute.

(4) The Contractor warrants that the prices in this contract do not include allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(5) A pay period under this clause may not be longer than semi-monthly, but may be shorter to comply with any applicable law or other requirement under this contract establishing a shorter pay period. Workers shall be paid no later than one pay period following the end of the regular pay period in which such wages were earned or accrued.

(6) The Contractor shall pay, unconditionally to each worker, all wages due free and clear without subsequent rebate or kickback. The Contractor may make deductions that reduce a worker's wages below the E.O. minimum wage rate only if done in accordance with 29 CFR 10.23, Deductions.

(7) The Contractor shall not discharge any part of its minimum wage obligation under this clause by furnishing fringe benefits or, with respect to workers whose wages are governed by the Service Contract Labor Standards statute, the cash equivalent thereof.

(8) Nothing in this clause shall excuse the Contractor from compliance with any applicable Federal or State prevailing wage law or any applicable law or municipal ordinance establishing a minimum wage higher than the E.O. minimum wage. However, wage increases under such other laws or municipal ordinances are not subject to price adjustment under this subpart.

(9) The Contractor shall pay the E.O. minimum wage rate whenever it is higher than any applicable collective bargaining agreement(s) wage rate.
(10) The Contractor shall follow the policies and procedures in 29 CFR 10.24(b) and 10.28 for treatment of workers engaged in an occupation in which they customarily and regularly receive more than $30 a month in tips.

(c)(1) This clause applies to workers as defined in paragraph (a). As provided in that definition—

(i) Workers are covered regardless of the contractual relationship alleged to exist between the contractor or subcontractor and the worker;

(ii) Workers with disabilities whose wages are calculated pursuant to special certificates issued under 29 U.S.C. 214(c) are covered; and

(iii) Workers who are registered in a bona fide apprenticeship program or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship, are covered.

(2) This clause does not apply to—

(i) Fair Labor Standards Act (FLSA)-covered individuals performing in connection with contracts covered by the E.O., i.e. those individuals who perform duties necessary to the performance of the contract, but who are not directly engaged in performing the specific work called for by the contract, and who spend less than 20 percent of their hours worked in a particular workweek performing in connection with such contracts;

(ii) Individuals exempted from the minimum wage requirements of the FLSA under 29 U.S.C. 213(a) and 214(a) and (b), unless otherwise covered by the Service Contract Labor Standards statute, or the Wage Rate Requirements (Construction) statute. These individuals include but are not limited to—

(A) Learners, apprentices, or messengers whose wages are calculated pursuant to special certificates issued under 29 U.S.C. 214(e).

(B) Students whose wages are calculated pursuant to special certificates issued under 29 U.S.C. 214(b).

(C) Those employed in a bona fide executive, administrative, or professional capacity (29 U.S.C. 213(a)(1) and 29 CFR part 541).

(d) Notice. The Contractor shall notify all workers performing work on, or in connection with, this contract of the applicable E.O. minimum wage rate under this clause. With respect to workers covered by the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, the Contractor may meet this requirement by posting, in a prominent and accessible place at the worksite, the applicable wage determination under those statutes. With respect to workers whose wages are governed by the FLSA, the Contractor shall post notice,
utilizing the poster provided by the Administrator, which can be obtained at 
www.dol.gov/whd/govcontracts, in a prominent and accessible place at the worksite. 
Contractors that customarily post notices to workers electronically may post the notice 
electronically provided the electronic posting is displayed prominently on any Web site that is 
maintained by the contractor, whether external or internal, and customarily used for notices to 
workers about terms and conditions of employment.

(e) Payroll Records. (1) The Contractor shall make and maintain records, for three years after 
completion of the work, containing the following information for each worker:

(i) Name, address, and social security number;

(ii) The worker’s occupation(s) or classification(s);

(iii) The rate or rates of wages paid;

(iv) The number of daily and weekly hours worked by each worker;

(v) Any deductions made; and

(vi) Total wages paid.

(2) The Contractor shall make records pursuant to paragraph (e)(1) of this clause available for 
inspection and transcription by authorized representatives of the Administrator. The Contractor 
shall also make such records available upon request of the Contracting Officer.

(3) The Contractor shall make a copy of the contract available, as applicable, for inspection or 
transcription by authorized representatives of the Administrator.

(4) Failure to comply with this paragraph (e) shall be a violation of 29 CFR 10.26 and this 
contract. Upon direction of the Administrator or upon the Contracting Officer’s own action, 
payment shall be withheld until such time as the noncompliance is corrected.

(5) Nothing in this clause limits or otherwise modifies the Contractor’s payroll and recordkeeping 
obligations, if any, under the Service Contract Labor Standards statute, the Wage Rate 
Requirements (Construction) statute, the Fair Labor Standards Act, or any other applicable law.

(f) Access. The Contractor shall permit authorized representatives of the Administrator to 
conduct investigations, including interviewing workers at the worksite during normal working 
hours.

(g) Withholding. The Contracting Officer, upon his or her own action or upon written request of 
the Administrator, will withhold funds or cause funds to be withheld, from the Contractor under
this or any other Federal contract with the same Contractor, sufficient to pay workers the full amount of wages required by this clause.

(h) Disputes. Department of Labor has set forth in 29 CFR 10.51, Disputes concerning contractor compliance, the procedures for resolving disputes concerning a contractor’s compliance with Department of Labor regulations at 29 CFR part 10. Such disputes shall be resolved in accordance with those procedures and not the Disputes clause of this contract. These disputes include disputes between the Contractor (or any of its subcontractors) and the contracting agency, the Department of Labor, or the workers or their representatives.

(i) Antiretaliation. The Contractor shall not discharge or in any other manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to compliance with the E.O. or this clause, or has testified or is about to testify in any such proceeding.

(j) Subcontractor compliance. The Contractor is responsible for subcontractor compliance with the requirements of this clause and may be held liable for unpaid wages due subcontractor workers.

(k) Subcontracts. The Contractor shall include the substance of this clause, including this paragraph (k) in all subcontracts, regardless of dollar value, that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and are to be performed in whole or in part in the United States.

(End of clause)
WORKER RIGHTS
UNDER EXECUTIVE ORDER 13658
FEDERAL MINIMUM WAGE FOR CONTRACTORS
$10.60 PER HOUR
EFFECTIVE JANUARY 1, 2019 – DECEMBER 31, 2019

The law requires certain employers to display this poster where employees can readily see it.

MINIMUM WAGE
Executive Order 13658 (EO) requires that federal contractors pay workers performing work on or in connection with covered contracts at least (1) $10.10 per hour beginning January 1, 2016, and (2) beginning January 1, 2019, and every year thereafter, an inflation-adjusted amount determined by the Secretary of Labor in accordance with the EO and appropriate regulations. The EO hourly minimum wage in effect from January 1, 2019 through December 31, 2019 is $10.60.

TIPS
Covered tipped employees must be paid a cash wage of at least $7.40 per hour effective January 1, 2016. December 31, 2019. If a worker’s tips combined with the required cash wage of at least $7.40 per hour paid by the contractor do not equal the EO hourly minimum wage for contractors, the contractor must increase the cash wage paid to make up the difference. Certain other conditions must also be met.

EXCLUSIONS
• Some workers who provide support “in connection with” covered contracts for less than 20 percent of their hours worked in a week, may not be entitled to the EO minimum wage.
• Certain full-time students, interns, and apprentices who are employed under subminimum wage certificates are not entitled to the EO minimum wage.
• Workers employed on contracts for seasonal recreational services or seasonal recreational equipment rental for the general public on federal lands, except when the workers are performing associated lodging and food services, are not entitled to the EO minimum wage.
• Certain other occupations and workers are also exempt from the EO.

ENFORCEMENT
The U.S. Department of Labor’s Wage and Hour Division (WHD) is responsible for enforcing the EO. WHD can answer questions, in person or by telephone, about your workplace rights and protections. We can investigate employers, recover wages to which workers may be entitled, and pursue appropriate sanctions against revoked contractors. All services are free and confidential. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the EO. If you are unable to file a complaint in English, WHD will accept the complaint in any language. You can find your nearest WHD office at https://www.dol.gov/whd/locate/.

ADDITIONAL INFORMATION
• The EO applies only to new federal construction and service contracts, as defined by the Secretary in the regulations.
• Workers with disabilities whose wages are governed by special certificates issued under section 14(g) of the Fair Labor Standards Act must also receive no less than the full EO minimum wage rate.
• Some state or local laws may provide greater worker protections; employers must comply with both.
• More information about the EO is available at: www.dol.gov/whd/sect13658.

Reclamation Manual
Policy/Directives and Standards

NEW RELEASE or TEMPORARY RELEASE or SUPERSEDES...
(Minor revisions approved mm/dd/yyyy)
Reclamation Manual
Directives and Standards

Reclamation’s Recreation Related Authorities
(not all inclusive)

1. **Reclamation-wide Recreation-Related Laws.**
   
   A. Reclamation Act of 1902 (43 USC 391 et seq.), as amended and supplemented
   
   B. Reclamation Project Act of 1939 (43 USC 485 et seq.)
   
   C. Federal Water Project Recreation Act of 1965 (Public Law 89-72; 16 USC 460l, et seq.), as amended
   
   D. Reclamation Development Act of 1974 (Public Law 93-493; 88 Stat. 1486, Title VI)
   
   E. Reclamation Recreation Management Act of 1992 (Public Law 102-575, Title XXVIII)

2. **Reclamation Project-Specific Authorities for Recreation.**
   
   A. Boulder Canyon Project Act of 1928 (43 USC 12A)
   
   B. Colorado River Storage Project (CRSP) Act of 1956 (Public Law 84-485; 70 Stat. 105)
   
   C. Fryingpan-Arkansas Act of 1962 (Public Law 87-590; 77 Stat. 393)
   
   D. Recreation Facilities, Elephant Butte and Caballo Reservoirs Act of 1962 (Public Law 87-542; 76 Stat. 171)
   
   E. Recreation Development, Sanford Reservoir Act of 1964 (Public Law 88-536; 78 Stat. 744)
   
   F. Auburn-Folsom South Unit, Central Valley Project, 1965 (Public Law 89-161; 79 Stat. 615)
   
   G. Colorado River Basin Project Act of 1968 (Public Law 90-537; 82 Stat. 885)
   
   H. Omnibus Consolidated Appropriations Act of 1998, (Public Law 105-277; 112 Stat. 2681, Title X (Canyon Ferry Reservoir, Montana))
   
   I. Law Enforcement Authority at Bureau of Reclamation of 2001, (Public Law 107-69; 115 Stat. 593)

3. **Other Laws that Apply to Reclamation’s Recreation Program.**
   
   A. Economy Act of 1932, as amended (Public Law 97-258 and 98-216; 31 USC 1535)
Reclamation’s Recreation Related Authorities
(not all inclusive)

B. Conservation of Wildlife, Fish and Game Act of 1934 (Public Law 73-121; 48 Stat. 401)

C. Fish and Wildlife Coordination Act of 1946 (Public Law 79-732; 60 Stat. 1080)

D. Water Resources Planning Act of 1965 (Public Law 89-80; 79 Stat. 244)


F. Architectural Barriers Act of 1968 (Public Law 90-480; 82 Stat. 718; 42 USC 4151 et seq.)

G. Wild and Scenic Rivers Act of 1968 (Public Law 90-542; 82 Stat. 906)

H. Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 355; 29 USC 701 et seq.), as amended

I. An Act to Authorize Acquisition or Use of Public Lands by States, Counties, or Municipalities for Recreational Purposes of 1984 (Public Law 98-552; 98 Stat. 282)


K. Omnibus Parks and Public Land Management Act of 1996 (Public Law 104-333; 110 Stat. 4093)

L. Department of the Interior and Related Agencies Appropriations Act of 2001 (Public Law 106-291; 114 Stat. 922, 996; 43 USC 1701)


N. John D. Dingell, Jr. Conservation, Management, and Recreation Act, 2019 (Public Law 116-9)
Reclamation’s Recreation Related Authorities
(not all inclusive)

4. **Reclamation’s Recreation-Related Regulations.**
   A. Non-discrimination in Federally Assisted Programs of the Department of the Interior (43 CFR Part 17)
   B. Occupancy of Cabin Sites on Public Conservation and Recreation Areas (43 CFR Part 21)
   C. Off-Road Vehicle Use (43 CFR Part 420)
   D. Department of the Interior Fish and Wildlife Policy (43 CFR Part 24)
   E. Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies (43 CFR Part 423)
   F. Use of Bureau of Reclamation Land, Facilities, Waterbodies (43 CFR Part 429)

5. **Executive Orders.**

6. **Secretarial Orders.**
   A. Secretarial Order (SO) 3356, *Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories*, 2017
   B. SO 3366 *Increasing Recreation Opportunities on Lands and Waters Managed by the U.S. Department of the Interior*, 2018
   C. SO 3376, *Increasing Recreational Opportunities through the use of Electric Bikes*, 2019

7. **Reclamation Manual (RM) Policies.**
   A. *Public Civil Rights*, CRM P01
   B. *Concessions Management*, LND P02
   C. *Cultural Resources Management*, LND P01
Reclamation’s Recreation Related Authorities
(not all inclusive)

D. Recreation Management, LND P04
E. Museum Property Management, LND P05
F. Land Program Management, LND P06
G. Incidental Revenues, PEC 03
H. Emergency Management, SLE P08

8. **RM Directives and Standards (D&SS).**

A. Nondiscrimination on the Basis of Disability in Federally Conducted Programs, Activities, and Services (Accessibility Program) (CRM 01-01)

B. Review of Operation and Maintenance (RO&M) Program Examination of Associated Facilities (Facilities Other Than High and Significant Hazard Dams) (FAC 01-04)

C. Implementation of Cost Sharing Authorities for Recreation and Fish and Wildlife Enhancement Facilities (LND 01-01)

D. Recreation Program Management (LND 01-03)
E. Museum Property Management (LND 02-02)
F. Concessions Management by the Bureau of Reclamation (LND 04-01)
G. Concessions Management by the Non-Federal Partners (LND 04-02)
H. Land Use Authorizations (LND 08-01)
I. Crediting Requirements for Incidental Revenues (PEC 03-01)