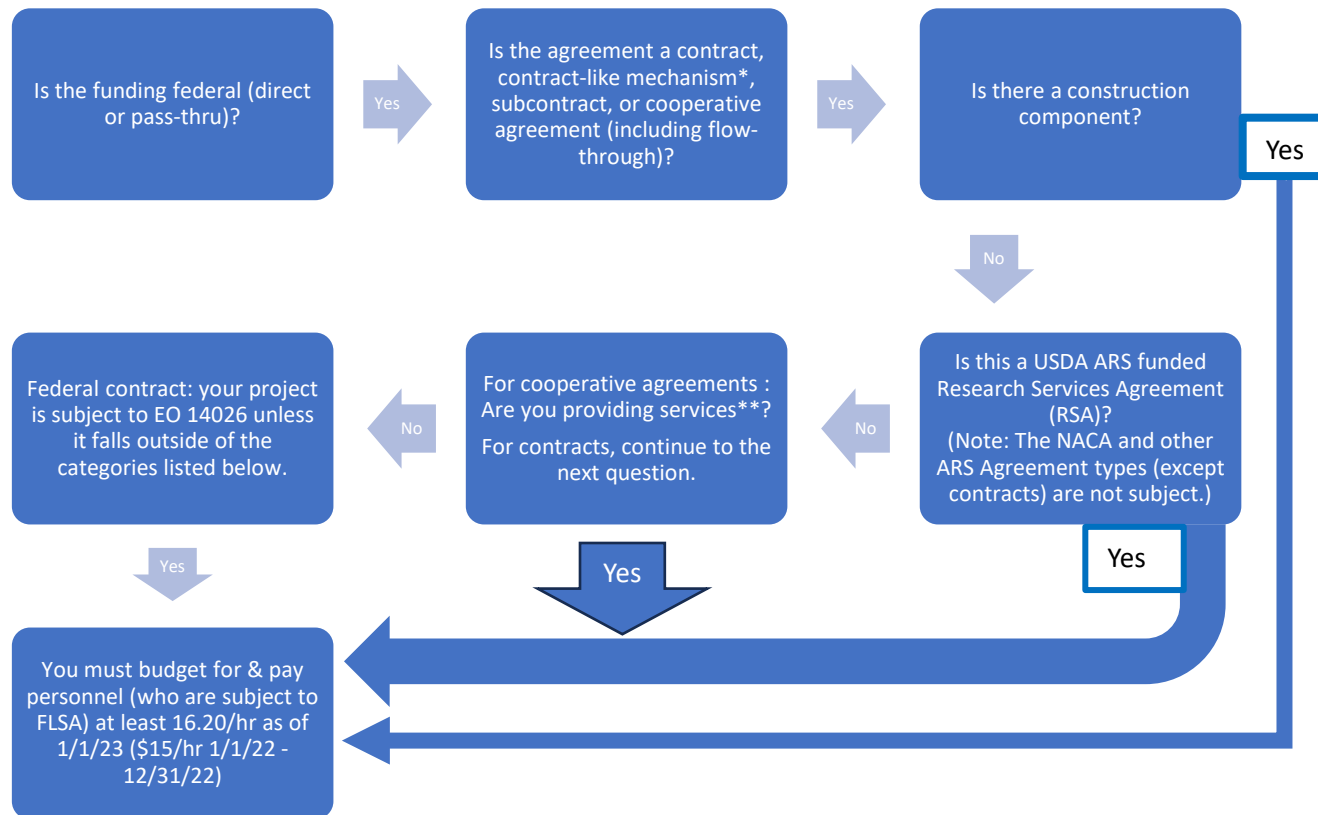


# Does Executive Order 14026 apply to my project or proposal?



FLSA – Fair Labor Standards Act

RSA – Research Services Agreement

USDA ARS – United States Department of Agriculture, Agricultural Research Services

Fact Sheet on Employee types common to institutions of higher education: [Fact Sheet #17S: Higher Education Institutions and Overtime Pay Under the Fair Labor Standards Act \(FLSA\) | U.S. Department of Labor \(dol.gov\)](#)

FAQs on EO 14026: [Executive Order 13658 Frequently Asked Questions \(FAQs\) | U.S. Department of Labor \(dol.gov\)](#)

[2021-09263.pdf \(govinfo.gov\)](#)

[Executive Order 14026](#)

## Does [Executive Order 14026](#) apply to my project or proposal?

### \* 4 Q. What types of contracts are covered by the [Executive Order](#) and these regulations?

Executive Order 13658 ([AND 14026](#)) and the Department's final rule are intended to apply to a wide range of contracts with the Federal Government for services or construction. Coverage of the Order and the Department's final rule generally extends to four major categories of contractual agreements:

1. Procurement contracts for construction covered by the DBA (Davis-Bacon Act);
  2. \*\*Service contracts covered by the SCA (Service Contract Act);
  3. Concessions contracts, including any concessions contract excluded from the SCA by the Department's regulations at 29 C.F.R. 4.133(b); and
  4. Contracts in connection with Federal property or lands and related to offering services for Federal employees, their dependents, or the general public.
2. The Executive Order also establishes value threshold requirements for coverage. The Order only applies to prime contracts covered by the DBA that exceed \$2,000 and prime contracts covered by the SCA that exceed \$2,500. For procurement contracts where workers' wages are governed by the FLSA, the Order specifies that it applies only to contracts that exceed \$3,000. There is no value threshold requirement for subcontracts awarded under such prime contracts.

The Executive Order minimum wage generally applies to workers performing on or in connection with the above types of contracts if the wages of such workers are governed by the DBA, the SCA, or the FLSA.

### \*5 Q. What is a “contract or contract-like instrument”?

The Department has collectively defined the terms “contract” and “contract-like instrument” for purposes of the Executive Order to mean an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law. The term “contract” broadly includes all contracts and any subcontracts of any tier thereunder, whether negotiated or advertised, including any procurement actions, lease agreements, cooperative agreements, provider agreements, intergovernmental service agreements, service agreements,

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licenses, permits, or any other type of agreement, regardless of nomenclature, type, or particular form, and whether entered into verbally or in writing. A contract that meets this definition is covered by the Executive Order, however, only if it fits within one of the four categories of agreements discussed above.