- of Federal Procurement Policy Act, 41 U.S.C. 403(11), the requirements of this order are only applicable to competitive acquisition contracts expected to equal or exceed \$100,000.
- **Sec. 4.** *Implementation.* 4–401. Not later than September 30, 1995, the EPA shall publish in the **Federal Register** guidance for compliance with this order, including applicability with respect to subcontractors.
- 4–402. Within 30 days of the issuance of the guidance provided for in subsection 4–401 above, each Federal agency shall include in all acquisition solicitations issued on or after the effective date of this order, the provisions necessary to effect this order.
- 4–403. For all contracts expected to exceed \$500,000, each Federal agency shall consult with the Administrator or the Administrator's designee when the agency believes it is not practicable to include the eligibility requirement of section 3–301 in the contract solicitation or award.
- 4–404. Each Federal agency shall require each Federal contractor designated in subsection 3–302 above to:
  - (a) Have included in its response to the contract solicitation a certification, as specified in the guidelines published pursuant to subsection 4–401 of this order, that it will (if awarded the contract) comply with the requirements of subsection 3–301; and
  - (b) File with the Administrator and each appropriate State pursuant to section 313(a) of EPCRA, 42 U.S.C. 11023(a), the information required by subsection 3–301, beginning on the next July 1 after the date on which the contract is awarded.
- 4–405. Information submitted to the EPA pursuant to subsection 4–404(b) above shall be subject to the trade secret protections provided by section 322 of EPCRA, 42 U.S.C. 11042. Information that is not trade secret shall be made available to the public pursuant to sections 313(h) and (j) of EPCRA, 42 U.S.C. 11023(h) and (j). The Administrator is directed to review reports submitted pursuant to this order to determine the appropriateness of any claims for trade secret protection.
- 4–406. When the Administrator determines that a Federal contractor has not filed the necessary forms or complete information as required by subsection 3–301 above, the Administrator or the Administrator's designee may recommend termination of the contract for convenience. The Administrator shall transmit that recommendation to the head of the contracting agency, and that agency shall consider the recommendation and determine whether to terminate the contract. In carrying out this responsibility, the Administrator may investigate any subject Federal contractor to determine the adequacy of compliance with the provisions of this order and the Administrator's designee may hold such hearings, public or private, as the Administrator deems advisable to assist in the Administrator's determination of compliance.
- 4-407. Each contracting agency shall cooperate with the Administrator and provide such information and assistance as the Administrator may require in the performance of the Administrator's functions under this order.
- 4–408. Upon request and to the extent practicable, the Administrator shall provide technical advice and assistance to Federal agencies in order to assist in full compliance with this order.
- **Sec 5.** *General Provisions.* 5–501. The requirements of this order shall be implemented and incorporated in acquisition regulations, including the Federal Acquisition Regulations (FAR), within 90 days after the effective date of this order.
- 5–502. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, it officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.