



U.S. General Services Administration

U.S. GENERAL SERVICES ADMINISTRATION INDIVIDUAL DETERMINATION AND FINDINGS PUBLIC INTEREST EXCEPTION TO THE COMPETITION IN CONTRACTING ACT

Background

Federal Acquisition Regulation (FAR) subpart 22.5, Executive Order (E.O.) 14063, Use of Project Labor Agreements for Federal Construction Projects, and Office of Management and Budget (OMB) Memoranda M-24-06 and M-25-29 each require that agencies implement mandatory project labor agreement (PLA) requirements on large-scale construction projects.

In September 2025, the U.S. General Services Administration (GSA) issued a solicitation for construction of a new U.S. Courthouse in Hartford, Connecticut. The project meets the definition of a large-scale construction project. In preparing the solicitation, GSA determined that none of the regulatory exceptions to the PLA requirement applied and therefore GSA's solicitation includes standard FAR PLA provisions and clauses. GSA's solicitation has been protested and is presently before the U.S. Court of Federal Claims; the protest was consolidated with 15 additional PLA protests under *EVCON-CWC JV, LLC v. U.S.*, case number 25-1101.

Over the last year, many construction firms have protested agencies' adherence to the FAR's PLA requirements. The Court of Federal Claims has ruled that, except in limited circumstances, implementation of the FAR's mandatory PLA requirements violates the Competition in Contracting Act's requirement for full and open competition. See *Brasfield & Gorrie LLC v. U.S.*, No 25-1140 (Fed. Cl. Dec. 16, 2025); *MVL USA, Inc. v. U.S.*, 174 Fed. Cl. 437 (2025). In essence, the Court of Federal Claims has determined that following PLA regulations results in the impermissible exclusion of vendors that decide they do not want to implement a PLA.

GSA disagrees with the Court of Federal Claims, supports the United States' position in these cases and continues to believe that agencies may implement regulatory PLA requirements without violating the Competition in Contracting Act's requirement for full and open competition. Nevertheless, to move the Hartford Courthouse project forward with a PLA requirement, GSA is executing an exception to requirements for full and open competition.

Nature and/or Description of the Action Being Approved

This Determination and Findings documents the GSA Administrator's determination that including the FAR's mandatory PLA requirements in the Hartford Courthouse project solicitation is necessary in the public's interest.

Statute and Regulation Upon Which the Determination and Findings is Based

41 U.S.C. § 3304(a)(7) permits use of other than competitive procedures when the head of an executive agency determines that such procedures are necessary in the public interest. The head of the executive agency must also notify Congress in writing of that determination not less than 30 days before the award of the contract.

FAR 6.103-7 (FAR Deviation - RFO-2025-06) similarly indicates that full and open competition need not be provided for when the agency head determines it is not in the public interest for that particular acquisition. A written determination to use this authority must be made by the head of the executive agency and must follow FAR subpart 1.5 (FAR Deviation - RFO-2025-01). This Individual Determination and Findings is executed in accordance with FAR 1.504 (FAR Deviation - RFO-2025-01).

Findings

Presidential Determination of the Public's Interest

- 1) E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects, reflects a Presidential determination that PLAs promote economy and efficiency, and are therefore in the public's interest.
- 2) E.O. 14063 has not been revoked and remains the policy of the Trump Administration. OMB Memorandum M-25-29 specifically states that E.O. 14063 remains in effect and makes clear that the Trump Administration supports the use of PLAs when those agreements are practicable and cost effective.

The Public's Interest in Promptly Executing the Hartford Courthouse Project

- 1) The existing Abraham A. Ribicoff Federal Building and Courthouse, located in Hartford and constructed in 1963, does not meet the United States Courts design standards, has significant operational and building issues, lacks appropriate prisoner transport, and does not meet the square footage requirements for the U.S. Courts to expand in the future.
- 2) GSA and the Judiciary have long planned to build a new U.S. Courthouse for the District of Connecticut in Hartford. The new courthouse will meet the long-term needs of the Courts and provide separate circulation for the public, judges, and prisoners, thereby improving security and the efficiency of Court operations. Building the Hartford Courthouse is a priority for ensuring the smooth functioning of the justice system in Connecticut.
- 3) Congress has appropriated GSA \$335 million for this project and the project is endorsed by the Executive, Legislative and Judicial branches of the United States Government.
- 4) Based to a large degree on the ongoing litigation, the Hartford Courthouse project is already significantly behind schedule. Ongoing delays combined with inflation in the construction market will most likely increase project costs, causing harm to the American taxpayers and delaying the delivery of a critical public service to the people of Connecticut.
- 5) The public has a significant interest in the project proceeding, and in the project doing so without delay.

The Public's Interest in the Benefits of PLAs

- 1) PLAs have multiple benefits, including predictable labor costs, a steady supply of labor, coordination among multiple employers, and certainty about the terms and conditions of

employment. PLAs provide structure and stability, avoid labor-related disruptions by using dispute-resolution processes to resolve worksite disputes, and prohibit work stoppages. PLAs secure the commitment of all stakeholders on a construction site to efficient completion without unnecessary interruptions. These benefits help ensure the efficient and timely completion of construction contracts, particularly where, as here, projects are large, complex and of extended duration. The public has an interest in achieving these benefits on large-scale construction projects. See E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects (Feb. 4, 2022).

- 2) The Trump Administration supports constructive partnerships with unions who work with the Administration. This project is an example of how the Administration can leverage unions to support American workers in skilled trades. The public has an interest in its Government supporting good, high-paying jobs where practicable and cost effective.

The Public's Interest in Realizing the Benefits of PLAs on the Hartford Courthouse Project

- 1) GSA commissioned a market study, which indicated several ways a PLA could benefit the Hartford Courthouse project, including promotion of labor stability, attracting experienced tradespeople, facilitating faster onboarding, reducing administrative delays, improved scheduling certainty and quality assurance, and improved reliability and performance.
- 2) GSA expects that PLA requirements on the Hartford Courthouse project would achieve these benefits, allowing for more efficient construction of this high-profile project. The public has an interest in achieving these benefits.
- 3) GSA's commissioned market study suggests that a PLA requirement on the Hartford Courthouse project will not significantly increase pricing. This market study entailed an extensive review of market conditions, tapping numerous sources and organizations, including engagement with union leadership, and a review of union labor rates in comparison with prevailing wage rates. The analysis concluded that a total project cost, using union wages, is estimated to be approximately 1% to 2% higher than a comparable project using prevailing wage rates. While the study noted that a PLA requirement may increase costs in certain markets, it is unlikely that price differences will be substantial in Hartford.
- 4) While no notable price increase is expected, incurring even a moderate price premium is in the public's interest when an agency expects to achieve the benefits associated with a PLA. OMB Memorandum M-25-29 specifically recognizes that when an agency expects adequate price competition, PLAs are generally warranted unless prices are expected to be higher than the government's budget by more than 10 percent.
- 5) GSA's commissioned market study noted that local union leadership expects that all required trades for the project can be staffed using local union labor. GSA does not expect that a PLA will impact staffing or accomplishing the project.
- 6) GSA's commissioned market study determined that PLAs are commonly used in the Hartford market and are standard practice for most projects. Specifically, the study accounted for approximately 50-70 Hartford projects using PLAs in the past year.

- 7) Connecticut's congressional delegation wrote to GSA on July 24, 2025, indicating that project labor agreements have been successfully employed on over 100 construction projects in Hartford, totaling in excess of \$2 billion over the last 25 years. Projects cited include the \$800 million Adrian's Landing Project, the new State Office Building, and virtually all local public school new construction and renovation projects.
- 8) GSA has received multiple quotations for Phase I of the Hartford Courthouse project, which includes a PLA requirement. The market has demonstrated that the Hartford Courthouse project will benefit from competition.
- 9) Even if PLA requirements reduced the number of vendors competing for a contract, where, as here, a PLA is market appropriate, practicable and cost-effective, and would still result in multiple competitors, the expected benefits of a PLA serve the public's interest.

Determination

Based on the multiple findings concerning the public's interest above, each of which is sufficient on its own, the GSA Administrator determines it necessary in the public's interest to include PLA requirements on the Hartford Courthouse project. 41 U.S.C. § 3304(a)(7).

Congressional Notification

As required, GSA will notify Congress in writing of this determination no later than 30 days before the award of the contract.



Edward Forst
Administrator

2/16/2026

Date