22.805 Procedures.

(a) Preaward clearances for contracts and *subcontracts* of $10 million or more (excluding *construction*).

(1) Except as provided in paragraphs (a)(4) and (a)(8) of this section, if the estimated amount of the contract or *subcontract* is $10 million or more, the *contracting officer shall* request clearance from the appropriate OFCCP regional office before-

(i) Award of any contract, including any indefinite delivery contract or letter contract; or

(ii) Modification of an existing contract for new effort that would constitute a contract award.

(2) Preaward clearance for each proposed contract and for each proposed first-tier *subcontract* of $10 million or more *shall* be requested by the *contracting officer* directly from the OFCCP regional office(s). Verbal requests *shall* be confirmed by letter or facsimile transmission.

(3) When the contract work is to be performed outside the *United States* with employees recruited within the *United States*, the *contracting officer shall* send the request for a preaward clearance to the OFCCP regional office serving the area where the proposed *contractor*'s corporate home or branch office is located in the *United States*, or the corporate location where personnel recruiting is handled, if different from the *contractor*'s corporate home or branch office. If the proposed *contractor* has no corporate office or location within the *United States*, the preaward clearance request action *should* be based on the location of the *recruiting and training agency* in the *United States*.

(4) The *contracting officer* does not need to request a preaward clearance if-

(i) The specific proposed *contractor* is listed in OFCCP's National Preaward Registry via the Internet at https://www.dol.gov/agencies/ofccp/pre-award/registry;

(ii) The projected award date is within 24 months of the proposed *contractor*'s Notice of Compliance completion date in the Registry; and

(iii) The *contracting officer* documents the Registry review in the contract file.

(5) The *contracting officer shall* include the following information in the preaward clearance request:

(i) Name, address, and telephone number of the prospective *contractor* and of any corporate affiliate at which work is to be performed.

(ii) Name, address, and telephone number of each proposed first-tier *subcontractor* with a proposed *subcontract* estimated at $10 million or more.

(iii) Anticipated date of award.

(iv) Information as to whether the *contractor* and first-tier *subcontractors* have previously held any Government contracts or *subcontracts*.

(v) Place or places of performance of the prime contract and first-tier *subcontracts* estimated at $10

million or more, if known.

(vi) The estimated dollar amount of the contract and each first-tier *subcontract*, if known.

(6) The *contracting officer shall* allow as much time as feasible before award for the conduct of necessary *compliance evaluation* by OFCCP. As soon as the apparently successful *offeror* can be determined, the *contracting officer shall* process a preaward clearance request in accordance with agency procedures, assuring, if possible, that the preaward clearance request is submitted to the OFCCP regional office at least 30 days before the proposed award date.

(7) Within 15 days of the clearance request, OFCCP will inform the awarding agency of its intention to conduct a preaward *compliance evaluation*. If OFCCP does not inform the awarding agency within that period of its intention to conduct a preaward *compliance evaluation*, clearance *shall* be presumed and the awarding agency is authorized to proceed with the award. If OFCCP informs the awarding agency of its intention to conduct a preaward *compliance evaluation*, OFCCP *shall* be allowed an additional 20 days after the date that it so informs the awarding agency to provide its conclusions. If OFCCP does not provide the awarding agency with its conclusions within that period, clearance *shall* be presumed and the awarding agency is authorized to proceed with the award.

(8) If the procedures specified in paragraphs (a)(6) and (a)(7) of this section would delay award of an urgent and critical contract beyond the time necessary to make award or beyond the time specified in the *offer* or extension thereof, the *contracting officer shall* immediately inform the OFCCP regional office of the expiration date of the *offer* or the required date of award and request clearance be provided before that date. If the OFCCP regional office advises that a preaward evaluation cannot be completed by the required date, the *contracting officer shall* submit written justification for the award to the *head of the contracting activity*, who, after informing the OFCCP regional office, *may* then approve the award without the preaward clearance. If an award is made under this authority, the *contracting officer shall* immediately request a postaward evaluation from the OFCCP regional office.

(9) If, under the provisions of paragraph (a)(8) of this section, a postaward evaluation determines the *contractor* to be in noncompliance with *E.O. 11246*, the *Deputy Assistant Secretary may* authorize the use of the enforcement procedures at 22.809 against the noncomplying *contractor*.

(b) *Furnishing posters*. The *contracting officer shall* furnish to the *contractor* appropriate quantities of the poster entitled "Equal Employment Opportunity Is The Law." These *shall* be obtained in accordance with agency procedures.

Parent topic: Subpart 22.8 - Equal Employment Opportunity