22.1403 Waivers.

(a) The Director of the Office of Federal Contract Compliance Programs of the U.S. Department of Labor (Director of OFCCP), *may* waive the application of any or all of the terms of the clause at 52.222-36, Equal Opportunity for Workers with Disabilities, for-

(1) Any contract if a waiver is deemed to be in the national interest; or

(2) Groups or categories of contracts if a waiver is in the national interest and it is-

(i) Impracticable to act on each request individually; and

(ii) Determined that the waiver will substantially contribute to convenience in administering the Act.

(b) The head of an agency *may* waive any requirement in this subpart when it is determined that the contract is essential to the national security, and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the *head of the agency shall* notify the Director of OFCCP *in writing* within 30 days.

(c) The *contracting officer shall* submit requests for waivers in accordance with agency procedures.

(d) A waiver granted for a particular class of contracts *may* be withdrawn for any contract within that class whenever considered necessary by the Director of OFCCP to achieve the purposes of the Act. The withdrawal *shall* not apply to contracts awarded before the withdrawal. The withdrawal *shall* not apply to *solicitations* under any means of sealed bidding unless it is made more than 10 days before the date set for bid opening.

Parent topic: Subpart 22.14 - Employment of Workers with Disabilities