50.206 Solicitation provisions and contract clause.

(a) Insert the provision at 52.250-2, SAFETY Act Coverage Not Applicable, in *solicitations* if-

(1) The agency consulted with DHS on a questionable case of SAFETY Act applicability to an *acquisition* in accordance with 50.205-1(a), and after the consultation, the agency has determined that SAFETY Act protection is not applicable for the *acquisition*; or

(2) DHS has denied approval of a *pre-qualification designation notice*.

(b)

(1) Insert the provision at 52.250-3, SAFETY Act *Block Designation*/Certification, in a *solicitation* when DHS has issued a *block designation*/certification for the solicited technologies.

(2) Use the provision at 52.250-3 with its *Alternate* I when contingent *offers* are authorized in accordance with 50.205-3.

(3) Use the provision at 52.250-3 with its *Alternate* II when *offers* presuming *SAFETY Act designation* or certification are authorized in accordance with 50.205-4. If this *alternate* is used, the *contracting officer may* increase the number of days within which *offerors must* submit their *SAFETY Act designation* or certification application.

(c)

(1) Insert the provision at 52.250-4, SAFETY Act *Pre-qualification Designation Notice*, in a *solicitation* for which DHS has issued a *pre-qualification designation notice*.

(2) Use the provision at 52.250-4 with its *Alternate* I when contingent *offers* are authorized in accordance with 50.205-3.

(3) Use the provision at 52.250-4 with its *Alternate* II when *offers* presuming *SAFETY Act designation* or certification are authorized in accordance with 50.205-4. If this *alternate* is used, the *contracting officer may* increase the number of days within which *offerors must* submit their *SAFETY Act designation* or certification application.

(d) Insert the clause at 52.250-5, SAFETY Act-Equitable Adjustment-

(1) In the *solicitation*, if the provision at 52.250-3 or 52.250-4 is used with its *Alternate* II; and

(2) In any resultant contract, if DHS has not issued *SAFETY Act designation* or certification to the successful *offeror* before contract award.

Parent topic: Subpart 50.2 - Support Anti-terrorism by Fostering Effective Technologies Act of 2002