50.205-3 Authorization of offers contingent upon SAFETY Act designation or certification before contract award.

- (a) Contracting officers may authorize such contingent offers, only if-
- (1) DHS has issued-
- (i) For offers contingent upon SAFETY Act designation, a pre-qualification designation notice or a block designation; or
- (ii) For offers contingent upon SAFETY Act certification, a block certification;
- (2) To the *contracting officer*'s knowledge, the Government has not provided advance notice so that potential *offerors* could have obtained *SAFETY Act designations*/ certifications for their offered technologies before release of any *solicitation*; and
- (3) *Market research* shows that there will be insufficient competition without SAFETY Act protections or the subject technology would be sold to the Government only with SAFETY Act protections.
- (b) Contracting officers shall not authorize offers contingent upon obtaining a SAFETY Act certification (as opposed to a SAFETY Act designation), unless a block certification applies to the class of technology to be acquired under the solicitation.

Parent topic: <u>50.205 Procedures.</u>