

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.