

22.1305 Waivers.

(a) The Director, Office of Federal Contract Compliance Programs, Department of Labor, *may* waive any or all of the terms of the clause at 52.222-35, Equal Opportunity for Veterans, for-

(1) Any contract if a waiver is 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 the 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 must* notify the Deputy Assistant Secretary of Labor *in writing* within 30 days.

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

(d) The Deputy Assistant Secretary of Labor *may* withdraw an approved waiver for a specific contract or group of contracts to be awarded, when in the Deputy's judgment such action is necessary to achieve the purposes of the Act. The withdrawal does not apply to awarded contracts. For *procurements* entered into by sealed bidding, such withdrawal does not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of bids.

Parent topic: Subpart 22.13 - Equal Opportunity for Veterans