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: 50.205 Procedures.