

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.](#)