



**RDECOM**



***TECHNOLOGY DRIVEN. WARFIGHTER FOCUSED.***

**Dennis Longo**

**US Army RDECOM Acquisition Center**



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# Support Anti-terrorism by Fostering Effective Technologies Act Interim Rule Published November 7, 2007

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- FAR Part 50 – Extraordinary contractual actions and the SAFETY Act.
- Subpart 50.2 -- Support Anti-terrorism by Fostering Effective Technologies Act of 2002.
  - Definitions
  - General provisions
  - Policy



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## 50.204 Policy. Agencies should –

- Determine whether the technology to be procured is appropriate for SAFETY Act protections;
- Encourage offerors to seek SAFETY Act protection;
- Not mandate SAFETY Act protections because such protections are a choice of the offeror.
- Not solicit offers contingent on Safety Act designation or certification before award unless otherwise authorized (50.205-3 or 50.205-4).
- Not consider a technology with Safety Act protections as a determination that the technology meets or fails to meet RFP requirements.



## 50.205-1 SAFETY Act Considerations

Agencies shall:

- Perform market research for potential technologies.
- Consider Safety Act in acquisition planning.
- Include Safety Act considerations in APBIs and other Industry conferences.



## 50.205-2 Pre qualification designation notice.

### Requiring Activity:

- Request a pre qualification notice from DHS.
- Benefits: will authorize offerors to
  - Submit streamlined application for designation.
  - Receive expedited review of application for designation.
- Notify Contracting Officer

### Contracting Officer:

- Synopsise DHS action on request.
- Incorporate pre qualification designation notice into RFP.



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

Permissible when:

- DHS issued pre qualification designation notice or block designation, or block certification;
- No advance notice has been released;
- Market research shows insufficient competition w/o Safety Act protection.



- 50.205-4 Authorization of awards made presuming Safety Act designation or certification after contract award.
- Contingent offers must have been authorized.
  - Coordinate award with DHS timelines.



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## **New Clauses**

### **52.250-2 Safety Act Coverage Not Applicable**

The Government has determined that the product or service is not an anti terrorism technology.

- DHS consulted on questionable technology; or
- DSH denial of a pre qualification designation notice.



## **New Clauses**

52.250-3 Safety Act Block Designation/Certification &  
52.250-4 Safety Act Pre Qualification Designation  
Notice

- Informs offerors of terms of block designation, cert, or qualification designation notice;
- Alt 1 permits contingent or alternate offers.
- Alt 2 permits offers that presume that DHS will issue Safety Act designation or cert after award.



## **New Clauses**

### 52.250-5 Equitable Adjustment

- Contractor must submit request for an equitable adjustment 30 days after DHS denies the contractor's Safety Act application.
- KO will adjust contract price or terminate contract for convenience.
- Failure to agree = dispute.



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Code of Federal Regulations  
Title 6--Domestic Security  
CHAPTER I—Department of Homeland  
Security, Office of the Secretary  
PART 25--Regulations To Support Anti-  
Terrorism By Fostering Effective  
Technologies

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