



# Federal Contracting and Procurement Officers: *EEO and FAR*

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**OFCCP National Office**

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**Regional Liaison**  
**OFCCP SWARM Regional Office**



# Agenda



- **Overview of OFCCP**
- **Contracting/Procurement Officers' Responsibilities**
- **Pre-Award Clearance Process**
- **Frequently Asked Questions**
- **Compliance Assistance**

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# OFCCP's Mission



**Ensure federal contractors comply with the laws and regulations located at 41 Code of Federal Regulations (CFR) Chapter 60 requiring nondiscrimination and affirmative action-**

- **Executive Order 11246 (EO 11246)**
- **Section 503 of the Rehabilitation Act (Section 503)**
- **Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA)**



# EEO



- **Equal Employment Opportunity**
- **Affirmative Action**
- **Comply with all statutory and regulatory requirements**
- **Post Notices**
- **Include Clauses in Subcontracts and Purchase Orders**
- **Additional Requirements**
  - **41 CFR 60-1.4 (EO 11246)**
  - **41 CFR 60-250.5 and 60-300.5 (VEVRAA)**
  - **41 CFR 60-741.5 (Section 503)**

Good Jobs for Everyone





# EEO



- **Encourages a fair and diverse workplace free of discrimination and harassment**
- **Increase the representation of women and minorities in higher grade levels and non-traditional occupations**
- **Provides opportunities for *Good Jobs for Everyone***

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## Highlights



## DIRECTOR'S CORNER

*Patricia A. Shiu*  
Director, OFCCP

**Director, Patricia A. Shiu**

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## OFCCP Mission

The purpose of the Office of Federal Contract Compliance Programs is to enforce, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government.

- [About OFCCP](#)

## OFCCP Laws & Related Materials

## Latest Events & News

September 8, 2011

- [US Labor Department Invites Public Comment on Proposed Data-Gathering Tool](#)
- [OFCCP Restores and Updates Functional Affirmative Action Program](#)
- [Women to Receive Compensation, Job Offers, After Investigation Reveals Discrimination](#)
- [Back Pay and Job Offers to Women and Minority Applicants as Alcoa Settles Discrimination Case](#)

▶ [Newsroom Archive](#)

## Speeches, Webinars and Multimedia

- [Director Shiu Delivers Keynote Address at 2011 NILG Conference](#)
- [Active Case Enforcement Webinar Presentation May 17, 2011](#)
- [How to Comply with the New FAAP Directive Webinar Presentation August 9, 2011](#)
- [Director Shiu Addresses Hard Hatted Women's Women on the Rise 2010](#)

▶ [Webinar and Video Archive](#)

## Worker/Employee Corner

- [File a Discrimination Complaint](#)
- [e-VETS Advisor](#)
- [Frequently Asked Questions](#)

## Federal Procurement Officer Corner

- [Request Process](#)
- [Debarred Listings](#)
- [National Pre-Award Registry](#)
- [Past G-FIVE Recipients](#)
- [Construction Contract Notification](#)
- [Past Best Practice Award Recipients](#)



# OFCCCP

- Using [FedSpending.org](https://www.fedspending.org), OMB Watch found there were 168,317 federal contractors in 2005.
- The number continues to grow due to outsourcing of federal jobs.
- OFCCCP is committed to conducting compliance evaluations of federal contractors and have made pre-award clearance evaluations a priority
- Roughly 28% of the pre-award compliance reviews resulted in violation findings

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# OFCCCP Jurisdiction

Legal Authority	Federal Construction Contractors	Federally-Assisted Construction Contractors
<ul style="list-style-type: none"> <li>• EO 11246, as amended</li> <li>• 41 CFR Part 60-1</li> </ul>	<ul style="list-style-type: none"> <li>• With government contracts of more than \$10,000</li> <li>• Must show evidence good faith efforts to increase participation of minorities &amp; women in the skilled trades</li> </ul>	<ul style="list-style-type: none"> <li>• Same as Federal Construction Contractors</li> </ul>
<ul style="list-style-type: none"> <li>• Sec 503, Rehabilitation Act of 1973, as amended</li> <li>• 41 CFR Part 60-741</li> </ul>	<ul style="list-style-type: none"> <li>• With government contracts of more than \$10,000</li> <li>• Written AAP 120 days after contract starts if: 1) 50 or more employees AND 2) contract value is \$50,000 or more</li> </ul>	<ul style="list-style-type: none"> <li>• No coverage</li> </ul> <p><b>Continued . . .</b></p>





# OFCCCP Jurisdiction

Legal Authority	Federal Supply & Service AND Construction Contractors	Federally-Assisted Construction Contractors
<ul style="list-style-type: none"><li>• VEVRAA of 1974, as amended</li><li>• 41 CFR Part 60-250</li><li>• 41 CFR Part 60-300</li></ul>	<p style="text-align: center;"><b>Before 12/1/2003</b></p> <ul style="list-style-type: none"><li>• With single government contract of \$25,000 or more</li><li>• Written AAP 120 days after contract starts if: 1) 50 or more employees AND 2) contract value is \$50,000 or more</li></ul>	<ul style="list-style-type: none"><li>• No coverage</li></ul>
<ul style="list-style-type: none"><li>• Sec 503, Rehabilitation Act of 1973, as amended</li><li>• 41 CFR Part 60-741</li></ul>	<p style="text-align: center;"><b>After 12/1/2003</b></p> <ul style="list-style-type: none"><li>• With single government contract of \$100,000 or more</li><li>• Written AAP 120 days after contract starts if: 1) 50 or more employees AND 2) contract value is \$100,000 or more</li></ul>	<ul style="list-style-type: none"><li>• No coverage</li></ul>



# EEO Clauses

<b>Clause</b>	<b>Threshold</b>
<b>Executive Order 11246</b>	<b>\$10,000+</b>
<b>Section 503</b>	<b>\$10,000+</b>
<b>VEVRAA</b>	<b>\$25,000/\$100,000+</b>



# FAR



## • OFCCP laws are incorporated into the FAR

### **Part 22—Application of Labor Laws to Government Acquisitions**

Subpart 22.8—Equal Employment Opportunity

### **Part 52—Solicitation Provisions and Contract Clauses**

52.222-21 Prohibition of Segregated Facilities.

52.222-22 Previous Contracts and Compliance Reports.

52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction

52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation.

41 CFR 60 - Office of Federal Contract Compliance Programs

60-1 - Obligations of Contractors and Subcontractors

60-4 Construction Contractors--Affirmative Action Requirements

60-4

60-1



# FAR



## Part 52—Solicitation Provisions and Contract Clauses

52.222-25 Affirmative Action Compliance.

## 41 CFR 60 -OFCCP

60-1

52.222-26 Equal Opportunity.

60-1

52.222-27 Affirmative Action Compliance Requirements for Construction.

60-4

52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

60-250 & 60-300 Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, and Armed Forces Service Medal Veterans

52.222-36 Affirmative Action for Workers with Disabilities

60-741 Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities

52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

60-250 & 60-300

52.222-38 Compliance with Veterans' Employment Reporting Requirements

60-250 & 60-300

# ACQUISITION CENTRAL

www.acquisition.gov



## Federal Acquisition Regulation (FAR)

[FAR Reissue 2005 - PDF VOL 1  
\(For Printing Purposes Only\)](#)

[FAR Reissue 2005 - PDF VOL 2  
\(For Printing Purposes Only\)](#)

*All PDF Files Require [Adobe Acrobat 7.0](#)*

### Current FAR

Includes amendments thru FAC 2005-53, effective August 4, 2011 (Note: FAR amendments are updated on their effective dates.)

### FAR Reference

- [HTML Format](#)
- [PDF Format](#)
- [FrameMaker - Zipped](#)
- [FAR Matrix - HTML](#)
- [FAR Matrix - PDF](#)
- [FAR Index - PDF](#)
- [Appendix](#)

- [FAR \(Archived\) - HTML](#)
- [FAR \(Archived\) - PDF](#)
- [GSA Forms Library](#)
- [FAR - Zipped](#)
- [Search the FAR](#)





# FAR and OFCCP



- **Include EO clauses in contract**
- **Inform OFCCP within 10 working days of an award of a construction contract**
- **Refer inquiries and complaints regarding status or violation of OFCCP laws to OFCCP regional office**
- **Notify OFCCP and request clearance of contractors that may be awarded supply and service contracts estimated at \$10 million or more**

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# FAR and OFCCP

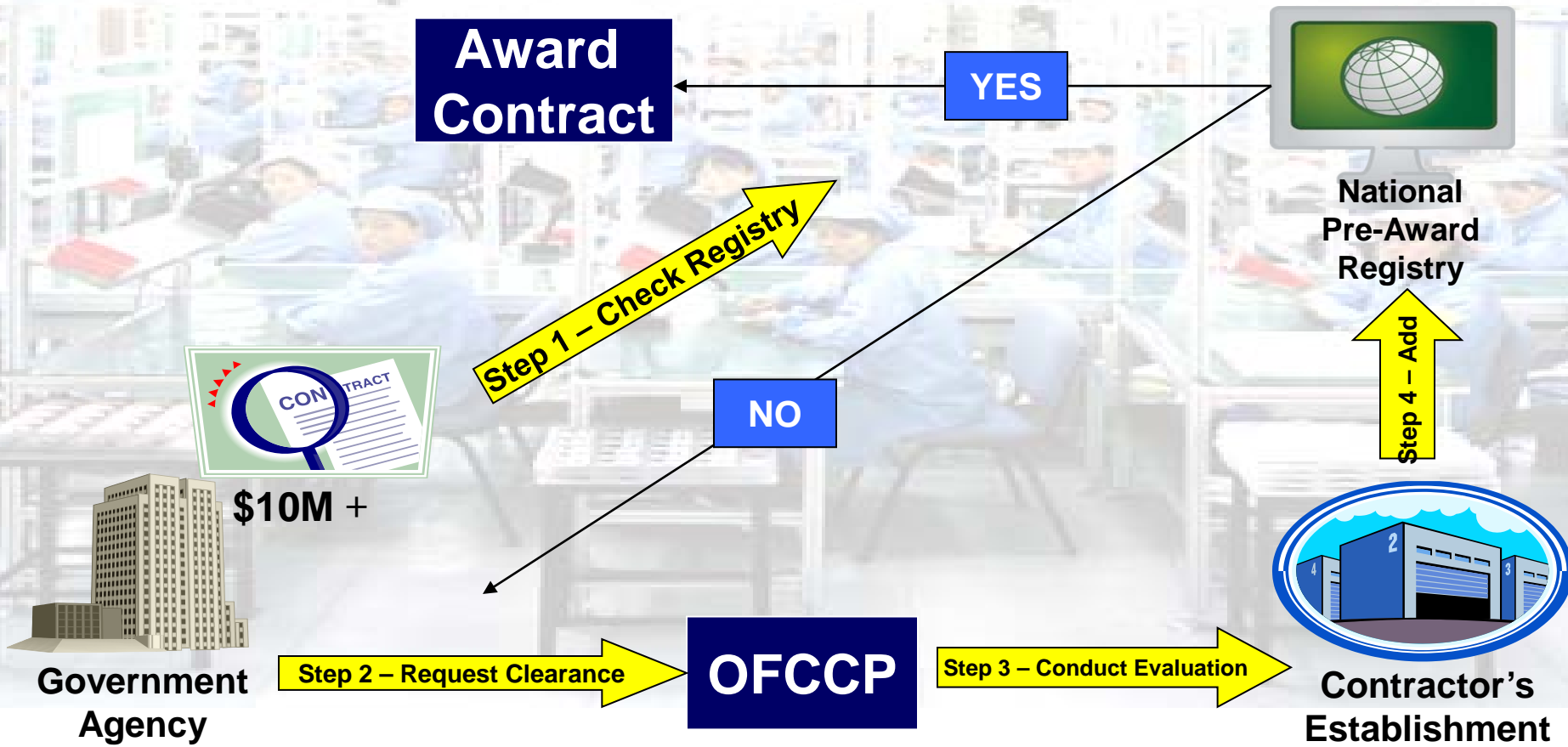
**Agency must require each bidder or prospective prime contractor or proposed subcontractor to state in the bid or in writing at the outset of negotiations for the contract whether it has (41 CFR 60-1.7(b)):**

- **Developed and has on file AAPs at each establishment pursuant to Part 60-2;**
- **Participated in any previous contract or subcontract subject to the EO clause;**
- **Filed with the JRC, DAS, or the EEOC all reports due under the applicable filing requirements.**

**Contracting officers are required to notify OFCCP if a contractor fails to develop or implement an acceptable AAP. (41 CFR 60-2.2(b))**



# Pre-Award Process





# Construction

**Contracting officers are required to give written notice to OFCCCP within 10 working days of an award of a construction contract or subcontract in excess of \$10,000. (41 CFR 60-4.2(c))**

## **The notification should include:**

- **The name, address and telephone number of the contractor or subcontractor;**
- **Employer identification number (EIN);**
- **Dollar amount of the contract;**
- **Estimated starting and completion dates of the contract or subcontract;**
- **Contract number; and**
- **The geographical area(s) in which the contract or subcontract is to be performed.**





# Requesting Clearance

- **Prior to awarding a supply and service contract of \$10 million dollars or more, federal agencies are required to request EEO clearance from OFCCP (41 CFR 60-1.29) Contracting/Procurement Officials should:**
- **Search Excluded Parties Listing System**  
<https://www.epls.gov/>
- **Search National Pre-Award Registry**  
[http://www.dol-esa.gov/preaward/pa\\_reg.html](http://www.dol-esa.gov/preaward/pa_reg.html)
  - **Pre-Award Registry provides information concerning Federal contractor establishments that have been reviewed and found to be "In Compliance" within the past two years**
  - **If the Contractor Establishment is located on the Registry, agency can award contract**

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## National Pre-Award Registry

### ■ [Search Registry](#)

#### Overview

The National Pre-Award Registry provides information concerning Federal Contractors, that have been reviewed by the Office of Federal Contract Compliance Programs (OFCCP). These Federal Contractors have been found to be "In Compliance" with the Equal Employment Opportunity (EEO) regulations that the OFCCP is mandated to enforce. The information contained in this Registry is for a **past two-year period** from today. The Registry is updated nightly and facilities reviewed more than 2 years ago are removed as new ones are added.

This system provides information only for the specific Contractor Facility(s) requested. It does not provide information on the Parent Organization or other facility locations that have not been reviewed within the past two years. If a given facility is found to be "In Compliance", this does not imply that other sibling facilities under the same parent organization received the same favorable finding.

This Registry contains information on Federal Contractors that have been reviewed by and found to be "In Compliance" by OFCCP. If the Contractor Facility you are looking for is not found in this Registry, contact the appropriate OFCCP Pre-Award Clearance Officer in your Regional area. If you do not know whom to contact, call the OFCCP National Office, in Washington D. C., at area code (202) 693-0101.

This Registry provides two primary functions:

- A search Engine that will enable you to search the Registry (in ascending or descending order) using the Name of the Contractor Facility; and
- The capability to [download](#) the entire Registry (about 1 Mb) to your location. Once downloaded, this information can then be imported into any word processor, spreadsheet, or database software package.

If you require further assistance in using this Registry, [Help](#) is available and can provide additional explanation in constructing a query and tips for better results.

Click on any of the following option to select the mode of search:

1. [Display By Entering The Contractor Facility Name](#)
2. [Alphabetical Listing Of Reviewed Establishments For The Past 24 Months](#)

Please Select Sort Order And Enter The Contractor Facility Name:

Non-ARRA  ARRA



# OFCCP Regions



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# OFCCP Regions



- **PACIFIC**  
90 7th Street  
Suite # 18-300  
San Francisco, CA 94103  
Phone: (415) 625-7800  
Fax: (415) 625-7799  
E-Mail: [OFCCP-PA-PreAward@dol.gov](mailto:OFCCP-PA-PreAward@dol.gov)
- **SWARM**  
Federal Building, Room 840  
525 South Griffin St.  
Dallas, TX 75202  
Phone: (972) 850-2550  
Fax: (972) 850-2552  
E-Mail: [OFCCP-SWARM-PreAward@dol.gov](mailto:OFCCP-SWARM-PreAward@dol.gov)
- **SOUTHEAST**  
Atlanta Federal Center  
61 Forsyth Street, S. W.  
Room 7B75  
Atlanta, GA 30303  
Phone: (404) 893-4545  
Fax: (404) 893-4546  
E-Mail: [OFCCP-SE-PreAward@dol.gov](mailto:OFCCP-SE-PreAward@dol.gov)
- **MIDWEST**  
230 South Dearborn Street, Room 570  
Chicago, Illinois 60604  
Phone: (312) 596-7010  
Fax: (312) 596-7044  
E-Mail: [OFCCP-MW-PreAward@dol.gov](mailto:OFCCP-MW-PreAward@dol.gov)
- **NORTHEAST**  
201 Varick Street  
Room 750  
New York, NY 10014  
Phone: (646) 264-3170  
Fax: (646) 264-3009  
E-Mail: [OFCCP-NE-PreAward@dol.gov](mailto:OFCCP-NE-PreAward@dol.gov)
- **MID-ATLANTIC**  
Curtis Center, Suite 750 West  
170 S. Independence Mall West  
Philadelphia, PA 19106  
Phone: (215) 861-5765  
Fax: (215) 861-5769  
E-Mail: [OFCCP-MA-PreAward@dol.gov](mailto:OFCCP-MA-PreAward@dol.gov)



# Actions...



**Contracting officers are required to provide the following information (41 CFR 60-1.20 (d)):**

- **Name, address, point of contact, and telephone number of the proposed contractor;**
- **Name, address, point of contact, and telephone number of each proposed subcontractor(s) with subcontract estimated at \$10 million or more;**
- **Anticipated date of award;**
- **Information regarding whether the contractor and subcontractor(s) have previously held any Government contracts and subcontracts;**
- **Place(s) of contract performance;**
- **Estimated dollar amount of contract and each subcontract, if known;**





# OFCCCP Actions

- **Within 15 days of request**
  - OFCCCP will inform agency of its intent to conduct an evaluation
  - If agency is not informed within this timeframe, agency can presume clearance and award contract
- **An additional 20 days**
  - If OFCCCP notifies agency within 15 days of request of its intent to conduct an evaluation, OFCCCP has an additional 20 days to conduct evaluation and provide agency with its conclusions.
  - If agency is not informed within this timeframe, agency can presume clearance and award contract

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# Pop Quiz !!!

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# Poll Question 1



**You submitted a request to OFCCP. How long must you wait for OFCCP to respond before proceeding with making the award?**

- a) 15 days**
- b) 20 days**
- c) 35 days**
- d) 180 days**



# Poll Question 1



**You submitted a request to OFCCCP. How long must you wait for OFCCCP to respond before proceeding with making the award?**

- a) 15 days**
- b) 20 days
- c) 35 days
- d) 180 days

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# Poll Question 2



**EFG Corp has a contract for \$9M, but the options are over \$10M. Do you need to request pre-award clearance?**

- a) Yes. Based on the total potential amount of the contract.**
- b) No. Only the base amount of the contract counts.**





# Poll Question 2



**EFG Corp has a contract for \$9M, but the options are over \$10M. Do you need to request pre-award clearance?**

- a) Yes. Based on the total potential amount of the contract.**
- b) No. Only the base amount of the contract counts.





# Poll Question 3



**The location for the performance of the EFG Corp contract is TBD. What OFCCCP region will you send the pre-award request?**

- a) The OFCCCP National Office in Washington, DC**
- b) All 6 OFCCCP Regions**
- c) The Region where EFG Corp's Corp HQ is located**
- d) Any OFCCCP region will do**
- e) The region where you sent the last EFG request**



# Poll Question 3



**The location for the performance of the EFG Corp contract is TBD. What OFCCCP region will you send the pre-award request?**

- a) The OFCCCP National Office in Wash DC
- b) All 6 OFCCCP Regions
- c) The Region where EFG Corp's Corp HQ is located**
- d) Any OFCCCP region will do
- e) The region where you sent the last EFG request



# Poll Question 4



**What is the contract amount threshold for entities to adhere to the requirements of E.O. 11246 as enforced by OFCCCP?**

- a) Any dollar amount**
- b) \$10,000**
- c) \$9,999,999.99**
- d) Must be more than \$10M**



# Poll Question 4



**What is the contract amount threshold for entities to adhere to the requirements of E.O. 11246 as enforced by OFCCCP?**

- a) Any dollar amount
- b) \$10,000**
- c) \$9,999,999.99
- d) Must be more than \$10M



# Poll Question 5



**After EFG Corp won the contract, it paid XYZ Dynamics \$75,000 to design its new building. Is XYZ Dynamics a federal contractor?**

- a) No. XYZ Dynamics did not do business with a government agency.
- b) No. XYZ Dynamics did not know EFG Corp was a federal contractor.
- c) No. XYZ's contract from EFG does not have an EEO clause in it.
- d) Yes. In this case XYZ is a subcontractor (federal contractor).

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# Poll Question 5



**After EFG Corp won the contract, it paid XYZ Dynamics \$75,000 to design its new building. Is XYZ Dynamics a federal contractor?**

- a) No. XYZ Dynamics did not do business with a government agency.
- b) No. XYZ Dynamics did not know EFG Corp was a federal contractor.
- c) No. XYZ's contract from EFG does not have an EEO clause in it.
- d) Yes. In this case XYZ is a subcontractor (federal contractor).



# Poll Question 6



**Which of the following are examples of Affirmative Action required of federal contractors and subcontractors?**

- a) Checking the compensation system to see if people are paid equally.**
- b) Checking hiring activities to see if there is equal opportunity.**
- c) Actively recruiting Veterans and persons with disabilities.**
- d) Requiring your subcontractors to comply with OFCCP regulations.**
- e) All the above.**

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# Poll Question 6



**Which of the following are examples of Affirmative Action required of federal contractors and subcontractors?**

- a) Checking the compensation system to see if people are paid equally.**
- b) Checking hiring activities to see if there is equal opportunity.**
- c) Actively recruiting Veterans and persons with disabilities.**
- d) Requiring your subcontractors to comply with OFCCP regulations.**
- e) All the above.**



# OFCCP Resources



- **Visit OFCCP's website**
  - <http://www.dol.gov/ofccp>
  - <http://www.dol.gov/ofccp/regs/compliance/ofcccomp.htm>
  - **Attend an OFCCP Seminar or Workshop**
- **Subscribe to Email Updates**
  - <http://www.dol.gov/dol/email.htm>
  - **Call or Email for Individual Assistance**
    - **1-800-397-6251 OFCCP's Help Desk**
    - **OFCCP-Public@dol.gov**





## DOL News Brief

September 1, 2011

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### Solis 1-on-1 with Nat'l Press Club



As part of a busy week leading up to Labor Day, Secretary Solis sat down with National Press Club President Mark Hamrick on

Tuesday to discuss the current employment situation and job creation in the U.S. The one-on-one interview featured hard-hitting questions, including about whether or not to "give up hope" in light of the Federal Reserve chairman anticipating persistent unemployment for the next two years. "There are millions of people that are feeling like that right now. And, you know what? I'm not going to give up hope," responded Solis. "It's the job of the Congress now, and our leaders, to make some decisions and to break the gridlock. That is what's important."

- [View the Slideshow](#)
- [Watch the Interview](#)
- [Read the Transcript](#)

### Small Biz In San Fran Makes Most of Contracting Opportunities

Nearly 150 small businesses snapped up the chance to learn about procurement



### What's Hot

#### Labor Day 2011

We take Labor Day very seriously at the U.S. Department of Labor! So to help celebrate this special day — which honors the contributions that working men and women have made to the strength and prosperity of the nation — we are doing something special. Log on to our new Labor Day page on [dol.gov](http://dol.gov) for Secretary Solis's "State of the American Worker" video address, her Labor Day video messages (in English and Spanish), and other features, including a history of the holiday. Watch the videos on YouTube and share your thoughts. Secretary Solis also encourages everyone to post the videos on their Facebook page and to email the messages to family, friends and networks.



- [Watch/Share the "State of the American Worker" Video Address](#)
- [Watch/Share Solis' Labor Day Message](#) English
- [Watch/Share Solis' Labor Day Message](#) Español
- [Visit the Labor Day Web Page](#)

### Solis, Ambassadors Commit to Protecting More Migrant Workers



Along with the ambassadors of the Dominican Republic, Costa Rica and El Salvador, Secretary Solis signed declarations on Monday that will better protect the labor rights of workers from those countries while they are employed in the United States. The







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# Your OFCCP



**The purpose of the Office of Federal Contract Compliance Programs is to enforce, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government.**



# Questions

Good Jobs for Everyone