

## 50.204 Policy.

(a) Agencies *should*-

(1) Determine whether the technology to be procured is appropriate for SAFETY Act protections and, if appropriate, formally relay this determination to DHS for purposes of supporting contractor application(s) for SAFETY Act protections in relation to criteria (b)(viii) of 6 CFR 25.4, Designation of Qualified Anti-Terrorism Technologies;

(2) Encourage *offerors* to seek SAFETY Act protections for their offered technologies, even in advance of the issuance of a *solicitation*; and

(3) Not mandate SAFETY Act protections for *acquisitions* because applying for SAFETY Act protections for a particular technology is the choice of the *offeror*.

(b) Agencies *shall* not solicit *offers* contingent upon *SAFETY Act designation* or certification occurring before contract award unless authorized in accordance with 50.205-3.

(c) Agencies *shall* not solicit *offers* or award contracts presuming DHS will issue a *SAFETY Act designation* or certification after contract award unless authorized in accordance with 50.205-4.

(d) The DHS determination to extend SAFETY Act protections for a particular technology is not a determination that the technology meets, or fails to meet, the requirements of a *solicitation*.

**Parent topic:** Subpart 50.2 - Support Anti-terrorism by Fostering Effective Technologies Act of 2002