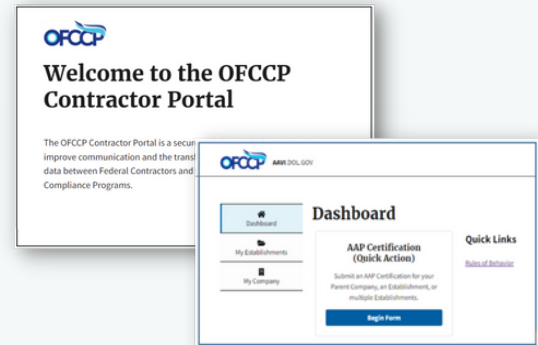# OFCCP CONTRACTOR PORTAL

As reported by OutSolve on September 2, 2021, the Office of Management and Budget (OMB) gave Final Notification and approval for the Affirmative Action Program Verification Interface (AAP-VI), otherwise known as the Contractor Portal.

What is the Contractor Portal?

The OFCCP Contractor Portal requires contractors to submit an annual certification that "they have developed and maintained an affirmative action program for each establishment and/or functional unit." It also provides contractors with a "secure method" for submitting affirmative action plans during a compliance evaluation.

Contractors should expect to receive an email, whose email information is available, inviting them to register to gain access to the OFCCP Contractor Portal which will open on February 1, 2022. On March 31, 2022, using the portal, contractors will be able to certify their AAP compliance. Certification for each establishment must be completed by June 30, 2022.

Who is Required to Comply?

Supply and service contractors and subcontractors will access the Contractor Portal and certify compliance with 41 CFR Chapter 60 and indicate if they have:

- Developed and maintained affirmative action programs at each establishment or for each functional or business unit.
- Have been party to a qualifying federal contract or subcontract for 120 days or more and have not developed and maintained affirmative action programs at each establishment.
- Become a covered federal contractor or subcontractor within the past 120 days and have not yet developed affirmative action programs.

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What Will Be Required?

A contractor will be required to initialize the system with key data elements for the parent company and AAP establishments. The user will have to provide their Employer Identification Number (EIN), Headquarters/Company number, and the establishment/unit number. They will also be required to create the parent company by providing information about the legal business name, company ID, DUNS number, NAICS code, and EIN number.   At the current time, construction contractors will not be required to certify compliance and should not register for the portal. To assist contractors in understanding this new requirement, please visit our Frequently Asked Questions (FAQs) page. In addition, "how-to-videos" and user guides will be published on the OFCCP website soon.

OutSolve's Take

OFCCP is executing its plan to address enforcement shortcomings identified in the Government Accountability Office report from 2016. The report declared OFCCP did not have a system or process to oversee the full scope of all establishments that require an AAP. The Contractor Portal now provides OFCCP with the means to gain a view into the overall landscape of federal contractor establishments. In the past, OFCCP relied on other sources like the EEO-1 submissions to identify federal contractors. However, the EEO-1 submission did not include any type of certification of the status of the contractor's affirmative action programs.

The Certification of the affirmative action program is the most critical aspect of the Contractor Portal. A contractor is making a statement that all establishments have a current affirmative action program. We expect that OFCCP will fully leverage the Contractor Portal to identify contractors that have not submitted a certification. This will improve the agency's ability to focus on violators and include these targets in future scheduling lists.

OFCCP will also expect a contractor to be fully prepared and submit their itemized list within the 30-day period provided in the audit scheduling letter. An extension to the 30-day submission deadline may be more difficult to attain. A contractor should be fully prepared and have all the required submission items.

The OFCCP will be providing more details over the next several weeks. Therefore, we will be providing additional information and guidance as more information becomes available. OutSolve will work with customers to minimize the administrative burden of this new certification process, ensuring compliance, and consistency.

OutSolve's consultants will work with contractors to initialize their data and certify their AAPS on the Contractor Portal. Please click here to contact us or email info@outsolve.com.

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