



## Government Contractors, Its Time to Register and Certify AAP Compliance

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In August 2021, the Office of Management and Budget approved an information collection request requiring that all "covered" federal contractors and subcontractors use a newly-created OFCCP Contractor Portal to certify, on an annual basis, whether they have developed and maintained an Affirmative Action Program (AAP) for each establishment and/or functional unit, as applicable. "Covered contractors" are private companies that hold a federal contract or subcontract for supply or service in the amount of \$50,000 or more and employ 50 or more employees. These companies are required to develop and maintain AAPs pursuant to Executive Order 11246 and Section 503 of the Rehabilitation Act of 1973. If a contractor has at least 50 employees and a contract of \$150,000 or more, then it must also develop an AAP pursuant to the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA).

Covered contractors must register for the Contractor Portal through Login.gov to create a secured account and then must certify compliance for all qualifying establishments and functional/business units by **June 30, 2022**. Contractors that are only construction contractors and not also supply and service contractors are not required to certify compliance and should not register for the portal. Please be mindful that the OFCCP has stated that federal contractors that 1) fail to complete the certification, or 2) state that they have not developed or maintained an AAP within 120 days of entering into a covered federal contract, will be far more likely to be subject to an OFCCP compliance audit than federal contractors that have certified that they are in compliance with EO 11246, the Rehabilitation Act, and VEVRAA.

The OFCCP offers a user guide and frequently asked questions to assist contractors with registering for the Contractor Portal and certifying compliance, see [here](#). With this deadline fast approaching, federal contractor companies should complete their registration and certification immediately.

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