

## Office of Federal Contract Compliance Programs (OFCCP)

### **FY 2015 Corporate Scheduling Announcement Letters (CSALs)**

### **Federal Contractor Selection System (FCSS) - Questions and Answers**

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#### **What scheduling cycle does OFCCP use for the FCSS?**

For the past several years, OFCCP's scheduling cycle for supply and service contractor establishments has been based on its fiscal year (FY), which runs from October 1 through September 30 of the next year. Each FCSS scheduling cycle has generally included two scheduling list releases per fiscal year. Compliance evaluations may be scheduled beyond the FY of its release depending on the workload and pace of processing compliance evaluations in the local office.

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#### **How many establishments are on the current Scheduling List?**

There are a total of 2,500 establishments on this first release of the FY 2015 Scheduling List.

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#### **How many industries are represented on the current Scheduling List?**

Based on the 2-digit NAICS code, the first release of the FY 2015 Scheduling List covers 25 industries.

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#### **How many companies are represented on the current Scheduling List?**

993 distinct companies are represented on the first release of the FY 2015 Scheduling List.

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#### **How many Corporate Management Compliance Evaluations (CMCE) are included in the current Scheduling List?**

The first release of the FY 2015 Scheduling List includes 27 CMCEs.

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#### **How does OFCCP select federal contractor establishments for a compliance evaluation?**

OFCCP's FCSS is a neutral selection system that identifies federal contractor establishments for compliance evaluations. The FCSS process uses multiple information sources such as federal acquisition and procurement databases, EEO-1 employer information reports, Dun & Bradstreet (D&B) data, Census data, and statistical thresholds such as industry type and employee counts of federal contractor establishments.

The process, data sources, and factors used to develop the scheduling list may vary from list to list. However, the starting point for all lists is the Federal Procurement Data System – Next Generation (FPDS). The FPDS is compiled and maintained by the U.S. General Services Administration and captures all federal contract transactions. OFCCP evaluates the individual transactions from which it develops a list of active contracts and identifies the contractors associated with each contract that fall under the agency's jurisdiction. OFCCP uses such data sources as EEO-1 and D&B data to identify the corporate parent and/or affiliated establishments of the covered contractors identified through FPDS. The EEO-1 and D&B data also may be used to confirm the address and employee count at each establishment.

The list is further refined by applying a number of neutral factors such as contract expiration date, contract value, and pre-defined operational limits on the number of establishments per contractor that may be scheduled in any one cycle. Establishments covered by Functional Affirmative Action Plan (FAAP) agreements, currently under review, reviewed within the prior twenty-four months, subject to current conciliation agreements or consent decrees, or waiting for scheduling from the prior list are also removed.

Lastly, OFCCP determines the total number of establishments to be reviewed. The total number of establishments reviewed is based on OFCCP region and district office staffing levels of full time employees (FTE).

The final scheduling list for each district office is sorted using any one of a number of neutral factors including, but not limited to, alphabetical order, employee count at the establishment, contract value or contract expiration date. The first and every 25th establishment on each district office list are marked for a quality review per the [Active Case Enforcement Directive](#).

OFCCP also schedules other types of compliance reviews, such as FAAP reviews, individual or class complaint investigations, directed reviews initiated by OFCCP's National Office based on reports of an alleged violation, pre-award evaluations in response to requests for pre-award clearance from federal contracting officers, and the monitoring of conciliation agreements and consent decrees.

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### **How does OFCCP schedule compliance evaluations among the selected establishments?**

Once establishments are identified for compliance evaluations by OFCCP's National Office, the FCSS list is ordered in a neutral fashion (see the previous FAQ) and uploaded into the OFCCP computer system that distributes the list of establishments to each OFCCP district office based on the physical addresses of the establishments. When an office is ready to schedule an establishment for evaluation from the FCSS list, it accesses the computer system that is maintained by OFCCP's National Office. This system releases the name and address of the next establishment on the list for that office. For each establishment, the district office must either schedule the establishment for a compliance evaluation or note the reason(s) for not doing so. If the establishment is scheduled for an evaluation, the District Office must enter the date the scheduling letter is sent to that establishment. Information pertaining to the actions taken for each establishment by the OFCCP field office is recorded in the OFCCP computer system controlled by OFCCP's National Office in order to maintain the integrity of the FCSS list. Once scheduled, however, a field office may manage open evaluations with flexibility because not all evaluations proceed at the same pace. That is, a field office is permitted to defer action on an evaluation after scheduling it for any number of practical reasons, such as the need to resolve legal or policy issues, or to determine the use of its investigative resources in a more efficient manner. As a result, field offices work on multiple evaluations at the same time and are not required to complete one evaluation before selecting another establishment for scheduling or acting on another evaluation that has already been scheduled.

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**Is there a regulatory or statutory limit on the number of establishments that can be scheduled per contractor?**

There is no legal requirement that limits the number of establishments per contractor that OFCCP may schedule for compliance evaluation.

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**Is there an operational limit on the number of establishments that can be scheduled per contractor?**

From list to list, OFCCP may set caps or limits on the number of establishments per contractor that can be scheduled for review. The decision to set caps or limits is based on factors that include agency resources and local office workload. For example, the number of FTE in each Regional and District Office determines the total number of establishments on each office's list as well as the total number of establishments on the nationwide list. In the FY 2014 Scheduling List, OFCCP limited the number of compliance evaluations to a total of no more than 35 for each corporate parent. Also, with respect to the FY 2014 list, each district office was assigned no more than one CMCE and one College/University evaluation.

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**Can a contractor establishment that is not on the FCSS list be scheduled for a compliance evaluation?**

Yes. OFCCP may conduct a compliance evaluation of an establishment not on the FCSS list under certain circumstances:

- Pre-award Compliance Evaluation: Contractor establishments pending an award of a federal supply and service contract of \$10 million or more may undergo a compliance evaluation.
- FAAP Compliance Evaluation: These evaluations are scheduled from the companies that have an active FAAP agreement with OFCCP.
- Directed Review: These compliance evaluations may be scheduled by OFCCP when it receives credible information of an alleged violation of a law or regulations the agency enforces, including those deriving from individual or class complaints filed with the EEOC, or state or local fair employment practice agencies (FEPAs) that allege employment discrimination covered under the laws that OFCCP enforces.
- Conciliation Agreement and Consent Decree Follow-Up Evaluation: These evaluations are scheduled during the monitoring period of an executed conciliation agreement or consent decree based on information received in a scheduled progress report, or when OFCCP otherwise needs to determine compliance with the terms of the agreement or decree.

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**Can a contractor establishment that was evaluated recently be scheduled for another compliance evaluation?**

A contractor establishment should not be scheduled for another FCSS compliance evaluation during the 24-month period following the date on which the prior review was closed. A contractor establishment that is still subject to reporting obligations pursuant to a Conciliation Agreement or Consent Decree should not be scheduled for another FCSS compliance evaluation during the 24-month period following the expiration of the agreement or decree. If an establishment that was evaluated within the past 24 months is selected for a compliance evaluation, the establishment's representative should call the local OFCCP office which issued the scheduling letter.

Notwithstanding this limitation, OFCCP may schedule a follow-up compliance evaluation if there is an indication that the contractor establishment is not complying with either reporting requirements or agreed upon actions that resulted from an active Conciliation Agreement or Consent Decree. OFCCP also may conduct a compliance evaluation when it receives an individual or class complaint, or what it determines there is credible information of an alleged violation of a law or regulation enforced by OFCCP.