

Office of Federal Contracts Compliance Programs

Methodology for Developing the Supply and Service Scheduling List FY 2023, Release – 1

The FY 2023 Supply and Service Scheduling List Release 1 contains 500 compliance evaluations for federal contractors and subcontractors covering establishment-based reviews, Corporate Management Compliance Evaluation (CMCE) reviews, and Functional Affirmative Action Program (FAAP) reviews.

For this scheduling list, OFCCP selected federal contractors and subcontractors that are required to maintain an Affirmative Action Program (AAP) but did not complete their mandatory annual certification in the OFCCP Contractor Portal as of December 1, 2022. Specifically, contractors that hold a contract of \$50,000 or more and employ 50 or more employees must 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.

OFCCP created this list by downloading federal contracts valued at \$50,000 or more from the USAspending database. Contracts awarded to federal, state, local, municipal, tribal, city, and foreign governments, school districts, universities and colleges, and construction companies were removed. Healthcare contracts that fall under OFCCP's Final Rule: Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors: TRICARE Providers, 85 FR 39834 (July 2, 2020), and OFCCP's Extending the Scheduling Moratorium for Veterans Affairs Health Benefits Program Providers Directive (DIR 2021-01) were removed. Contract records expiring on or before March 31, 2023, were also removed.

OFCCP further refined this list by retaining contractor and subcontractor establishments with at least 200 employees. For prime contracts and subcontracts, OFCCP matched company names and addresses against the 2020 EEO-1 filings to identify establishments with 200 employees or more for inclusion in the eligible pool of contractors. Contractor and subcontractors that certified in the OFCCP Contractor Portal as of December 1, 2022 were removed from the pool. For CMCE reviews, OFCCP set the minimum employee count to 1,000 at the corporate headquarters. For each parent company with at least one contract of \$50,000 anywhere in the organization, all establishments that meet the scheduling list's criteria are included in the eligible pool of contractors.

OFCCP cross-referenced all eligible establishments and functional units with the agency's compliance management system to remove those that were: (1) currently under review; (2) currently in a monitoring period pursuant to a conciliation agreement; (3) currently within the exemption period following a closed review; (4) currently pending scheduling for review from a prior scheduling list; or (5) have an active separate facilities waiver. OFCCP does not purge unscheduled cases from prior lists before releasing a new scheduling list.

OFCCP used the following criteria to finalize establishment and CMCE reviews: (1) OFCCP selected the establishments and CMCEs with the highest employee counts in each district office; (2) OFCCP did not include more than four establishments of any parent company; and (3) OFCCP selected up to five CMCE reviews per region. For FAAP reviews, OFCCP selected the four functional units with the highest employee count in each region.

OFCCP assigned district office codes and regions to each establishment and functional unit based on the postal address. Compliance evaluations were distributed across regions and their district offices based on available staff, measured in full-time equivalents. Where a parent company has two or more establishments on the scheduling list, OFCCP reassigned these compliance reviews to the same region so that both the agency and the contractor can engage in these reviews in a coordinated manner. Regions can transfer cases across their district offices or to other regions to balance their workload when appropriate.

DISCLAIMER: OFCCP's decision to publish its scheduling methodology is voluntary. OFCCP has no legal obligation to publish its methodology and will revisit the decision to publish its scheduling methodology each time the methodology is revised.