

# DOSAR PART 603 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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## **PART 603 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

### **Subpart 603.1 - Safeguards**

#### **603.104 Procurement integrity.**

**603.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.**

(a) The following classes of persons may be authorized to receive contractor bid or proposal

information or source selection information by the contracting officer or head of the contracting activity, when such access is necessary to the conduct of an acquisition:

(1) Individuals involved in the selection process, such as the Contracting Officer's Representative, technical evaluators, advisors, consultants, and the Source Selection Official;

(2) Clerical personnel directly involved in the procurement;

(3) Supervisors in the contracting officer's chain of command;

(4) Contracting personnel involved in reviewing or approving the solicitation, contract, or contract modification;

(5) Individuals from offices who may be required to perform pre-award audits, such as DCAA; and,

(6) Personnel in the following offices: Office of Small and Disadvantaged Business Utilization (OSDBU), Office of the Legal Adviser, Office of Legislative Affairs, Office of the Inspector General, Office of the Procurement Executive, the Small Business Administration, and the Office of Federal Contract Compliance Programs (Department of Labor).

(c) All information which is considered proprietary or source selection information shall be marked to prevent its unauthorized disclosure before award. This may be performed by marking each page of proprietary or source selection material with the statement "Source Selection Information--See FAR 3.104" or "Proprietary Information--See FAR 3.104", as applicable. Alternatively, this requirement may be met by attaching Forms DS-1926, *Proprietary Information (Cover Page)*, and DS-1927, *Source Selection Information (Cover Page)*, to any proprietary and source selection information. Individuals responsible for preparing derivative documents which reference, cite, or paraphrase proprietary or source selection information, are responsible for marking such documents as indicated above. The required marking or cover page shall be included when technical proposals are submitted for evaluation and when an audit is requested. After award, the procedures governing the Freedom of Information Act and related laws/regulations shall be followed regarding release of proprietary or source selection information.

### **603.104-7 Violations or possible violations.**

(a)(1) The contracting officer shall report any violation or possible violation to the head of the contracting activity after he or she has reviewed the documentation and has concluded that there is no impact on the acquisition.

(d)(2)(ii)(B) The Procurement Executive is the agency head's designee for the purposes of [FAR 3.104-7\(d\)\(2\)\(ii\)\(B\)](#).

### **Subpart 603.2 - Contractor Gratuities to Government Personnel**

### **603.203 Reporting suspected violations of the Gratuities clause.**

DOS personnel shall report immediately and in writing any apparent or suspected violation of the clause at [FAR 52.203-3](#), Gratuities, in connection with any DOS operation. The report shall be made to the contracting officer and the Assistant Inspector General for Investigations. The report shall identify the individuals involved, outline the events, acts, or conditions which indicate the apparent violation occurred, and include all pertinent documents. The Assistant Inspector General for Investigations will review the report and initiate appropriate investigative action. If and when it is deemed appropriate, the Office of the Inspector General will provide a report to the contracting officer concerning the matter for appropriate action by that office.

### **603.204 Treatment of violations.**

(a) The Procurement Executive is the agency head's designee for the purposes of [FAR 3.204](#)

(b) *Procedures.* Upon completion of the investigation and/or prosecution or with the consent of the U.S. Department of Justice, the Assistant Inspector General for Investigations shall provide to the Procurement Executive a report, together with all pertinent documentation, concerning the suspected violation. The Office of the Procurement Executive shall provide to the contractor a written notice by certified mail, return receipt requested, presenting the findings, and shall establish a schedule, including location, for an investigative hearing for the purposes described in [FAR 3.204](#) (b).

## **Subpart 603.3 - Reports of Suspected Antitrust Violations**

### **603.303 Reporting suspected antitrust violations.**

(a) DOS employees are obligated to report immediately and in writing any apparent or suspected antitrust violation, as described in [FAR 3.303](#).

(b) The report shall outline the events, acts, or conditions which indicate the apparent violation and shall include all pertinent documents.

(c) The report shall be made to or by the contracting officer, who shall review it for completeness and accuracy and forward it through the head of the contracting activity to the Assistant Inspector General for Investigations. The Office of the Inspector General will investigate the matter as appropriate, and provide an investigative report to the U.S. Attorney General if and when it develops evidence of a violation.

## **Subpart 603.4 - Contingent Fees**

### **603.405 Misrepresentation or violations of the Covenant Against Contingent Fees.**

(a) The contracting officer may request the Office of the Inspector General to develop further information if the facts available are deemed insufficient to determine whether an actual violation has occurred. The contracting officer may also obtain the advice of the Office of the Legal Adviser as to the legality and general propriety of any information disclosed.

## **Subpart 603.6 - Contracts with Government Employees or Organizations Owned or Controlled by Them**

### **603.601 Policy.**

(a) It is Department policy not to award contracts to Federal employees, or businesses substantially owned or controlled by Federal employees. This policy also applies to individuals hired under personal services agreements and personal services contracts.

### **603.602 Exceptions.**

The Procurement Executive is the agency head's designee for the purposes of [FAR 3.602](#).

## **Subpart 603.7 - Voiding and Rescinding Contracts**

### **603.704 Policy.**

The Procurement Executive is the agency head's designee for the purposes of [FAR 3.704](#).

### **603.705 Procedures.**

The Procurement Executive is the agency head's designee for the purposes of [FAR 3.705](#).

## **Subpart 603.8 - Limitations on the Payment of Funds to Influence Federal Transactions**

### **603.804 Policy.**

(b) The contracting officer shall forward a copy of all contractor disclosures furnished pursuant to the clause at [FAR 52.203-12](#) to the Office of the Legal Adviser, Employment Law, Senior Ethics Counsel (L/EMP/Ethics).

## **Subpart 603.9 - Whistleblower Protections for Contractor Employees**

### **603.905 Procedures for investigating complaints.**

The Procurement Executive is the agency head's designee for the purposes of [FAR 3.905](#).

### **603.906 Remedies.**

The Procurement Executive is the agency head's designee for the purposes of [FAR 3.906](#).