

## PART 3 – IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

*(Revised July 26, 2016 through PROCLTR 2016-08)*

### **TABLE OF CONTENTS**

#### **SUBPART 3.1 - SAFEGUARDS**

3.103 Independent pricing.

3.104 Procurement integrity.

3.104-1 Definitions.

3.104-3 Statutory and related prohibitions, restrictions and requirements.

[3.104-4](#) Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

3.104-7 Violations or possible violations.

#### **SUBPART 3.2 - CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL**

3.203 Reporting suspected violations of the FAR Gratuities clause.

[3.204](#) Treatment of violations.

#### **SUBPART 3.3 - REPORTS OF SUSPECTED ANTITRUST VIOLATIONS**

3.301 General.

#### **SUBPART 3.7 – VOIDING AND RESCINDING CONTRACTS**

[3.705](#) Procedures.

#### **SUBPART 3.8 - LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS**

3.806 Processing suspected violations.

#### **SUBPART 3.9 - WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES**

[3.903](#) Policy.

#### **SUBPART 3.1 - SAFEGUARDS**

*(Revised July 26, 2016 through PROCLTR 2016-08)*

#### **3.103 Independent pricing.**

Disclosure of prices during a reverse auction conducted by the Government, in which each offeror

consents to public disclosure of its prices, including to other offerors, does not constitute a disclosure.

### **3.104 Procurement integrity.**

#### **3.104-1 Definitions.**

Designated agency ethics official. The designated agency ethics official is the General Counsel. The contracting activity ethics official is the Chief Counsel. The contracting office ethics official is designated Counsel.

The Ombudsman for Procurement Integrity. The DLA Acquisition Deputy Director is the designated Ombudsman for Procurement Integrity.

#### **3.104-3 Statutory and related prohibitions, restrictions, and requirements.**

In accordance with 41 U.S.C. 2107(1), offerors participating in a particular DLA reverse auction and their designated employees, and commercial auction providers and their designated employees are authorized to disclose and obtain the prices submitted by all offerors participating in that reverse auction.

#### **3.104-4 Statutory and related prohibitions, restrictions, and requirements.**

Oversight officials are authorized access to contractor bid or proposal information or source selection information to the extent necessary to perform their official duties.

#### **3.104-7 Violations or possible violations.**

(a)(1) Office of Counsel is the designee.

(b) The determination shall be coordinated with the Office of Counsel.

(f) The determination shall be coordinated with the Office of Counsel. Notification shall be provided to the DLA Acquisition Director.

## **SUBPART 3.2 - CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL**

*(Revised July 26, 2016 through PROCLTR 2016-08)*

### **3.203 Reporting suspected violations of the FAR Gratuities clause.**

(a) Report suspected violation to the CCO and Office of Counsel.

(b) If the CCO reports a finding, refer the matter to the HCA.

#### **3.204 Treatment of violations.**

(a) The HCA is the designee.

(b) If the contractor requests a hearing, the HCA will conduct a hearing in coordination with designated counsel. Information submitted by the contractor during the hearing will be considered in reaching a final decision. If the contractor elects not to have a hearing but submits information, that information will be considered in reaching a final decision.

### **SUBPART 3.3 - REPORTS OF SUSPECTED ANTITRUST VIOLATIONS**

*(Revised July 26, 2016 through PROCLTR 2016-08)*

#### **3.301 General.**

(b) Report suspected antitrust violations to the Office of Counsel.

### **SUBPART 3.7 - VOIDING AND RESCINDING CONTRACTS**

*(Revised July 26, 2016 through PROCLTR 2016-08)*

#### **3.705 Procedures.**

(a) Reporting. The General Counsel is the designee.

### **SUBPART 3.8 - LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS**

*(Revised July 26, 2016 through PROCLTR 2016-08)*

#### **3.806 Processing suspected violations.**

Suspected violations shall be referred to Office of Counsel.

### **SUBPART 3.9 - WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES**

*(Revised July 26, 2016 through PROCLTR 2016-08)*

#### **3.903 Policy.**

(5) Complaints shall be forwarded to Office of Counsel.