

# **PART 3 -- IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

## **TABLE OF CONTENTS**

### SUBPART 3.1 — SAFEGUARDS

#### 3.101 Standards of conduct.

##### 3.101-3 Agency regulations.

#### 203.104 Procurement integrity.

(S-90) All Agency personnel are required to sign a one-time non-disclosure agreement (NDA) which lasts for the duration of DISA employment. In addition, Contracting Officers will require a separate signed source selection specific NDA.

##### 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 gratuities clause.

### SUBPART 3.3 — REPORTS OF SUSPECTED ANTITRUST VIOLATIONS

#### 3.301 General.

##### 203.570-2 Prohibition period.

### SUBPART 3.6 — CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

#### 3.602 Exceptions.

### SUBPART 3.7 — VOIDING AND RESCINDING CONTRACTS

#### 3.705 Procedures.

### SUBPART 3.8 — LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

#### 203.806 Processing suspected violations.

### SUBPART 3.9 — WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

#### 3.905 Procedures for Investigating Complaints.

## **SUBPART 3.1 – SAFEGUARDS**

### **3.101 Standards of conduct.**

#### **3.101-3 Agency regulations.**

The DoD Directive 5500.7, Standards of Conduct, DoD 5500.7-R, Joint Ethics Regulation, DISA Instruction 100-50-6, Standards of Ethical Conduct, and DISA Employees' Guide to the Standards of Conduct, provide extensive agency guidance governing this topic.

Contact the Regulatory/GC's office concerning questions on this issue.

### **203.104 Procurement integrity.**

**(S-90) All Agency personnel are required to sign a one-time non-disclosure agreement (NDA) which lasts for the duration of DISA employment. In addition, Contracting Officers will require a separate signed source selection specific NDA.**

#### **3.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.**

(a) The HCA is delegated the authority to authorize access to sensitive procurement information (e.g., proprietary or source selection information) when necessary for the conduct of the procurement.

(S-90) All DISA personnel who have access to sensitive acquisition information must ensure proper handling of such information in order to maintain the integrity of the acquisition process. Unclassified sensitive acquisition information shall only be distributed on a "need to know" basis.

(S-91) Communications networks such as DISANet and Internet may be vulnerable to unauthorized access. Accordingly, whenever practicable, avoid the electronic transmission of unclassified sensitive acquisition information via e-mail, LAN, etc., in favor of more secure alternatives.

(S-92) All emails containing source selection sensitive info shall be sent encrypted and/or password protected. Include the following text in the subject line:

"SOURCE SELECTION INFORMATION - SEE FAR 2.101 & 3.104".

3.104-6 Ethics advisory opinions regarding prohibitions on a former officials acceptance of compensation from a contractor.

(a) Written request for an ethic advisory opinion shall be submitted to the [DISA Designated Agency Ethics Official \(DAEO\)](#). Per DISAI 100-50-6, the DAEO is the General Counsel.

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

(a)(1) The PSD Technical Director is the designee.

(2) The contracting officer's conclusion shall be reviewed by the Technical Director who will in-

turn forward the conclusion to the HCA.

(S-90) The contracting officer's conclusion shall be submitted with the appropriate coversheet marked as follows:

**PROCUREMENT SENSITIVE REQUIRES SPECIAL HANDLING DO NOT LEAVE UNATTENDED SECURE WHEN NOT IN USE**

(S-91) Contractor personnel suspecting a violation of the Procurement Integrity Act are encouraged to contact the contracting officer or the DISA Inspector General with a written allegation containing the elements specified in FAR 3.904, Procedures for filing complaints.

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

### **3.203 Reporting suspected violations of the gratuities clause.**

(S-90) Report suspected violations through the local counsel and HCO to the DISA GC and the HCA. The designee is the DISA GC.

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

### **3.301 General.**

(b)(2) The DISA General Counsel is the designee.

### **SUBPART 3.5 – OTHER IMPROPER BUSINESS PRACTICES**

#### **203.570-2 Prohibition period.**

The waiver and determination shall be reviewed by PL2.

## **SUBPART 3.6 – CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM**

### **3.602 Exceptions.**

The HCA is the designee who may authorize an exception to the policy in FAR 3.601.

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

### **3.705 Procedures.**

(a) Reporting. The designee is the HCA.

(b) Decision. The designee is the HCA.

## **SUBPART 3.8 – LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS**

### **203.806 Processing suspected violations.**

(S-90) Forward suspected violations to PL2 for submittal to DPC CPIC.

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

### **3.905 Procedures for Investigating Complaints.**

(b) The designee is the HCA.

### **3.906 Remedies.**

(a) The designee is the HCA.