

**Department of Education**

**3425.102**

concerns by reason of experience, specialized facilities, or technical competence to perform the work within the time required.

(6) Each concern nominated for a specific 8(a) requirement must be approved by OSDBU or SBA for that particular requirement before the contracting officer initiates negotiation of 8(a) award terms with the concern.

(b) *Negotiation of 8(a) award.* The contracting officer shall give all possible assistance required by SBA with respect to SBA's negotiation of an 8(a) award.

(c) *Delegated 8(a) award administration.* If SBA delegates responsibility to ED for administration of the 8(a) award, ED informs SBA of all 8(a) award modifications, progress payments, problems experienced by the subcontractor, and other pertinent matters requested by SBA.

(b) If a notice of the system of records has not been published in the FEDERAL REGISTER, the contracting officer may proceed with the acquisition but shall not award the contract until the notice is published, unless the contracting officer determines, in writing, that portions of the contract may proceed without maintaining information subject to the Privacy Act. In this case, the contracting officer may—

(1) Award the contract, authorizing performance only of those portions not subject to the Privacy Act; and

(2) After the notice is published and effective, authorize performance of the remainder of the contract.

[53 FR 19123, May 26, 1988]

**Subpart 3424.2—Freedom of Information Act**

**3424.201 Authority.**

The Department's regulations implementing the Freedom of Information Act, 5 U.S.C. 552, are in 34 CFR part 5.

[53 FR 19123, May 26, 1988]

**PART 3424—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

**Subpart 3424.1—Protection of Individual Privacy**

Sec.  
3424.103 Procedures.

**Subpart 3424.2—Freedom of Information Act**

3424.201 Authority.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 3424.1—Protection of Individual Privacy**

**3424.103 Procedures.**

(a) If the Privacy Act of 1974 applies to a contract, the contracting officer shall specify in the contract the disposition to be made of the system or systems of records upon completion of performance of the contract. For example, the contract may require the contractor to completely destroy the records, to remove personal identifiers, to turn the records over to ED, or to keep the records but take certain measures to keep the records confidential and protect the individuals' privacy.

**PART 3425—FOREIGN ACQUISITION**

**Subpart 3425.1—Buy American Act—Supplies**

Sec.  
3425.102 Policy.

**Subpart 3425.3—Balance of Payments Program**

3425.302 Policy.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

**Subpart 3425.1—Buy American Act—Supplies**

**3425.102 Policy.**

(a) [Reserved]

(b) The HCA approves determinations under FAR 25.120(a)(4).

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