

§ 203.070

- 203.171 Senior DoD officials seeking employment with defense contractors.
- 203.171-1 Scope.
- 203.171-2 Definition.
- 203.171-3 Policy.
- 203.171-4 Contract clause.

Subpart 203.5—Other Improper Business Practices

- 203.502-2 Subcontractor kickbacks.
- 203.570 Prohibition on persons convicted of frauds or other defense-contract-related felonies.
- 203.570-1 Scope.
- 203.570-2 Prohibition period.
- 203.570-3 Contract clause.

Subpart 203.7—Voiding and Rescinding Contracts

- 203.703 Authority.

Subpart 203.9—Whistleblower Protections for Contractor Employees

- 203.900 Scope of subpart.
- 203.903 Policy.
- 203.904 Procedures for filing complaints.
- 203.905 Procedures for investigating complaints.
- 203.906 Remedies.
- 203.970 Contract clause.

Subpart 203.10—Contractor Code of Business Ethics and Conduct

- 203.1003 Requirements.
- 203.1004 Contract clauses.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36288, July 31, 1991, unless otherwise noted.

§ 203.070 Reporting of violations and suspected violations.

Report violations and suspected violations of the following requirements in accordance with 209.406-3 or 209.407-3 and DoDD 7050.5, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities:

- (a) Certificate of Independent Price Determination (FAR 3.103).
- (b) Procurement integrity (FAR 3.104).
- (c) Gratuities clause (FAR 3.203).
- (d) Antitrust laws (FAR 3.303).
- (e) Covenant Against Contingent Fees (FAR 3.405).
- (f) Anti-kickback Act (FAR 3.502).

48 CFR Ch. 2 (10-1-11 Edition)

(g) Prohibitions on persons convicted of defense-related contract felonies (203.570).

[69 FR 74990, Dec. 15, 2004]

Subpart 203.1—Safeguards

203.104 Procurement integrity.

203.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

(d)(3) For purposes of FAR 3.104-4(d)(3) only, DoD follows the notification procedures in FAR 27.404-5(a). However, FAR 27.404-5(a)(1) does not apply to DoD.

[74 FR 2409, Jan. 15, 2009]

203.170 Business practices.

To ensure the separation of functions for oversight, source selection, contract negotiation, and contract award, departments and agencies shall adhere to the following best practice policies:

(a) Senior leaders shall not perform multiple roles in source selection for a major weapon system or major service acquisition. Departments and agencies shall certify every 2 years that no senior leader has performed multiple roles in the acquisition of a major weapon system or major service. Completed certifications shall be forwarded to the Director, Defense Procurement, in accordance with the procedures at PGI 203.170.

(b) Vacant acquisition positions shall be filled on an “acting” basis from below until a permanent appointment is made. To provide promising professionals an opportunity to gain experience by temporarily filling higher positions, these oversight duties shall not be accrued at the top.

(c) Acquisition process reviews of the military departments shall be conducted to assess and improve acquisition and management processes, roles, and structures. The scope of the reviews should include—

- (1) Distribution of acquisition roles and responsibilities among personnel;
- (2) Processes for reporting concerns about unusual or inappropriate actions; and