PART 5803 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Revised: April 2024

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SUBPART 5803.1 – SAFEGUARDS

5803.101-3 Agency Regulations

The DoD Directive 5500.07, Standards of Conduct, DoD 5500.07-R, Joint Ethics Regulation, DISA Instruction 100-50-06, Standards of Ethical Conduct, and DISA Employees' Guide to the Standards of Conduct, provide extensive agency guidance governing this topic.

Contact General Counsel (GC) with any questions.

5803.104-3 Statutory and Related Prohibitions, Restrictions, and Requirements

(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 for any individual(s) with access to selection sensitive information for which disclosure should be limited.

(S-91) Any e-mail relating to an acquisition (e.g., discussing details or providing requirement documents) must be digitally signed/encrypted. See DISAI 630- 230-30 for e-mail security practices for the transmission of sensitive but unclassified information.

5803.104-4 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 contractor bid or proposal or source selection information.

(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) All emails containing source selection sensitive info shall be sent encrypted and/or password protected. Include the following text in the subject line and at the beginning and end of the e-mail text:

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

5803.104-6 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.

5803.104-7 Violations or Possible Violations

(a)(1) The Vice Procurement Services Executive (V/PSE) is the designee.

(2) The contracting officer's conclusion will be coordinated with GC and submitted to the V/PSE for review and signature

SUBPART 5803.2 – CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

5803.203 Reporting Suspected Violations of the Gratuities Clause

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

SUBPART 5803.3 – REPORTS OF SUSPECTED ANTITRUST VIOLATIONS

5803.301 General

(b)(2) The DISA GC is the designee.

SUBPART 5801.4 – DEVIATIONS FROM THE FAR

5803.403 Individual Deviations

(S-90) Appendix B contains the approved DISA Clause Control Plan and shall be followed for approval of deviations and clauses other than those prescribed in the FAR and DFARS.

SUBPART 5803.6 – CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

5803.602 Exceptions

The HCA is the designee.

SUBPART 5803.7 – VOIDING AND RESCINDING CONTRACTS

5803.705 Procedures

(a) Reporting. The HCA is the designee.

(b) Decision. The HCA is the designee.

SUBPART 5803.8 – LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

5803.806 Processing Suspected Violations

(S-90) Forward suspected violations to DISA GC. PS2 will coordinate submittal to Defense Pricing and Contracting/Contract Policy and International Contracting.

SUBPART 5803.9 – WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

5803.906 Remedies

(a) The HCA is the designee.