SUBPART 3.1 – SAFEGUARDS

(Revised February 1, 2023 through PROCLTR 2023-02)

Parent topic: PART 3 – IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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.

"*Access to controlled unclassified information (CUI)*" means the ability or opportunity to acquire, examine, or retrieve CUI.

"*Contracting activity ethics official*" means the Chief Counsel.

"*Contracting office ethics official*" means the designated Counsel.

"*Designated agency ethics official*" means the General Counsel.

"*Ombudsman for Procurement Integrity*" means the DLA Acquisition Deputy Director.

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.

(a) Oversight officials have authority to access contractor bid or proposal information or source selection information to the extent necessary to perform their official duties.

(b) All Agency personnel, contractors (as entities), and non-government personnel participating in activities that require access to CUI, such as source selection information or other protected information such as contractor proprietary information, shall sign a non-disclosure agreement using the mandatory DLA Non-Disclosure Agreement (NDA) Templates (https://dlamil.dps.mil/sites/Acquisition/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2Fsites%2FAcquisition%2FShared%20Documents%2FJ%2D71%2FPROCLTR%20Archive%2FNon%2DDisclousure%20Agreement%5FNDA%5FTemplates&FolderCTID=0x01200080FADA3E9BBF764593CF2E25DC6FA477) before being allowed access to the CUI. These non-disclosure agreements include conflict of interest statements that must be addressed. In addition, before being given access to contractor bid and proposal information or other proprietary or protected information submitted by an offeror or contractor, support contractors shall be required to negotiate a separate nondisclosure agreement with the entity submitting the protected information. Contracts (including orders) and agreements that require an NDA for access to CUI for contract performance shall include the following language so that the NDA requirements are enforceable as contract requirements:

The requirements of non-disclosure agreements executed pursuant to performance of this contract, order, or agreement are hereby incorporated by reference into this contract, order, or agreement and are part of the performance requirements of this contract, order, or agreement **.**

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.