9.105-3 Disclosure of preaward information.

(a) Except as provided in subpart 24.2, Freedom of Information Act, information (including the *preaward survey* report) accumulated for purposes of determining the responsibility of a prospective contractor *shall* not be released or disclosed outside the Government.

(b) The *contracting officer may* discuss *preaward survey* information with the prospective contractor before determining responsibility. After award, the *contracting officer* or, if it is appropriate, the head of the *surveying activity* or a designee *may* discuss the findings of the *preaward survey* with the company surveyed.

(c) *Preaward survey* information *may* contain proprietary or *source selection information* and *should* be marked with the appropriate legend and protected accordingly (see 3.104-4).

Parent topic: 9.105 Procedures.