9.504 Contracting officer responsibilities.

(a) Using the general rules, procedures, and examples in this subpart, *contracting officers shall* analyze planned *acquisitions* in order to-

(1) Identify and evaluate potential organizational conflicts of interest as early in the *acquisition* process as possible; and

(2) Avoid, neutralize, or mitigate significant potential conflicts before contract award.

(b) *Contracting officers should* obtain the advice of counsel and the assistance of appropriate technical specialists in evaluating potential conflicts and in developing any necessary *solicitation* provisions and *contract clauses* (see 9.506).

(c) Before issuing a *solicitation* for a contract that *may* involve a significant potential conflict, the *contracting officer shall* recommend to the *head of the contracting activity* a course of action for resolving the conflict (see 9.506).

(d) In fulfilling their responsibilities for identifying and resolving potential conflicts, *contracting officers should* avoid creating unnecessary delays, burdensome information requirements, and excessive documentation. The *contracting officer*'s judgment need be formally documented only when a substantive issue concerning potential *organizational conflict of interest* exists.

(e) The *contracting officer shall* award the contract to the apparent successful *offeror* unless a conflict of interest is determined to exist that cannot be avoided or mitigated. Before determining to withhold award based on conflict of interest considerations, the *contracting officer shall* notify the contractor, provide the reasons therefor, and allow the contractor a reasonable opportunity to respond. If the *contracting officer* finds that it is in the best interest of the *United States* to award the contract notwithstanding a conflict of interest, a request for waiver *shall* be submitted in accordance with 9.503. The waiver request and decision *shall* be included in the contract file.

Parent topic: Subpart 9.5 - Organizational and Consultant Conflicts of Interest