9.505-4 Obtaining access to proprietary information.

(a) When a contractor requires proprietary information from others to perform a Government contract and can use the leverage of the contract to obtain it, the contractor *may* gain an unfair competitive advantage unless restrictions are imposed. These restrictions protect the information and encourage companies to provide it when necessary for contract performance. They are not intended to protect information-

(1) Furnished voluntarily without limitations on its use; or

(2) Available to the Government or contractor from other sources without restriction.

(b) A contractor that gains access to proprietary information of other companies in performing *advisory and assistance services* for the Government *must* agree with the other companies to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished. The *contracting officer shall* obtain copies of these agreements and ensure that they are properly executed.

(c) Contractors also obtain proprietary and *source selection information* by acquiring the services of *marketing consultants* which, if used in connection with an *acquisition*, *may* give the contractor an unfair competitive advantage. Contractors *should* make inquiries of *marketing consultants* to ensure that the *marketing consultant* has provided no unfair competitive advantage.

Parent topic: 9.505 General rules.