

# EDAR PART 3403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

---

## [PART 3403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST](#)

### [Subpart 3403.1—Safeguards](#)

[3403.101 Standards of conduct.](#)

[3403.101-3 Agency regulations.](#)

### [Subpart 3403.2—Contractor Gratuities to Government Personnel](#)

[3403.203 Reporting suspected violations of the Gratuities clause.](#)

### [Subpart 3403.3—Reports of Suspected Antitrust Violations](#)

[3403.301 General.](#)

### [Subpart 3403.4—Contingent Fees](#)

[3403.409 Misrepresentation or violations of the covenant against contingent fees.](#)

### [Subpart 3403.6—Contracts with Government Employees or Organizations Owned or Controlled by Them](#)

[3403.602 Exceptions.](#)

---

## **PART 3403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

### **Section Contents**

#### **[Subpart 3403.1—Safeguards](#)**

[3403.101 Standards of conduct.](#)

[3403.101-3 Agency regulations.](#)

#### **[Subpart 3403.2—Contractor Gratuities to Government Personnel](#)**

[3403.203 Reporting suspected violations of the Gratuities clause.](#)

#### **[Subpart 3403.3—Reports of Suspected Antitrust Violations](#)**

[3403.301 General.](#)

#### **[Subpart 3403.4—Contingent Fees](#)**

[3403.409 Misrepresentation or violations of the covenant against contingent fees.](#)

#### **[Subpart 3403.6—Contracts with Government Employees or Organizations Owned or Controlled by Them](#)**

## [3403.602 Exceptions.](#)

**Authority:** 5 U.S.C. 301.

**Source:** 76 FR 12796, Mar. 8, 2011, unless otherwise noted.

### **Subpart 3403.1—Safeguards**

#### **3403.101 Standards of conduct.**

##### **3403.101-3 Agency regulations.**

The Department's regulations on standards of conduct and conflicts of interest are in 34 CFR part 73, Standards of Conduct.

### **Subpart 3403.2—Contractor Gratuities to Government Personnel**

#### **3403.203 Reporting suspected violations of the Gratuities clause.**

(a) Suspected violations of the Gratuities clause at FAR [52.203-3](#) must be reported to the HCA in writing detailing the circumstances.

(b) The HCA evaluates the report with the assistance of the Designated Agency Ethics Officer. If the HCA determines that a violation may have occurred, the HCA refers the report to the SPE for disposition.

### **Subpart 3403.3—Reports of Suspected Antitrust Violations**

#### **3403.301 General.**

Any Departmental personnel who have evidence of a suspected antitrust violation in an acquisition must—

(1) Report that evidence through the HCA to the Office of the General Counsel for referral to the Attorney General; and

(2) Provide a copy of that evidence to the SPE.

### **Subpart 3403.4—Contingent Fees**

#### **3403.409 Misrepresentation or violations of the covenant against contingent fees.**

Any Departmental personnel who suspect or have evidence of attempted or actual exercise of improper influence, misrepresentation of a contingent fee arrangement, or other violation of the Covenant Against Contingent Fees, must report the matter promptly in accordance with the procedures in [3403.203](#).

### **Subpart 3403.6—Contracts with Government Employees or Organizations Owned or Controlled by Them**

#### **3403.602 Exceptions.**

Exceptions under FAR [3.601](#) must be approved by the HCA.