

### 201.603-3

sector, or in similar positions in which the individual obtained experience directly relevant to the field of contracting.

(3) The requirements in 201.603-2(1) do not apply to any employee for purposes of qualifying to serve in the position in which the employee is serving on October 1, 1993, or any other position in the same grade and involving the same level of responsibilities as the position in which the employee is serving on that date.

(4) Waivers may be authorized. Information on waivers is contained in DoD Manual 5000.52-M, Career Development Program for Acquisition Personnel.

[58 FR 28463, May 13, 1993, as amended at 62 FR 34121, June 24, 1997]

### 201.603-3 Appointment.

(a) Certificates of Appointment executed under the Armed Services Procurement Regulation or the Defense Acquisition Regulation have the same effect as if they had been issued under FAR.

(b) Agency heads may delegate the purchase authority in 213.301 to DoD civilian employees and members of the U.S. Armed Forces.

[56 FR 36284, July 31, 1991, as amended at 64 FR 56705, Oct. 21, 1999]

## PART 202—DEFINITIONS OF WORDS AND TERMS

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

### Subpart 202.1—Definitions

#### 202.101 Definitions.

*Congressional defense committees* means—

(1) The Committee on Armed Services of the Senate;

(2) The Subcommittee on Defense of the Committee on Appropriations of the Senate;

(3) The Committee on Armed Services of the House of Representatives; and

(4) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

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*Contract administration office* also means a contract management office of the Defense Contract Management Agency.

*Contracting activity* for DoD also means elements designated by the director of a defense agency which has been delegated contracting authority through its agency charter. DoD contracting activities are—

#### DEPARTMENT OF DEFENSE

Department of Defense Education Activity  
TRICARE Management Activity  
Real Estate and Facilities Directorate,  
Washington Headquarter Services

#### ARMY

Contract Support Agency  
Office of the Deputy Chief of Staff for Research, Development and Acquisition, Headquarters, U.S. Army Materiel Command  
Aviation and Missile Command  
Industrial Operations Command  
Communications-Electronics Command  
Tank-Automotive and Armaments Command  
Training and Doctrine Command  
Forces Command  
Health Services Command  
Military District of Washington  
U.S. Army, Europe  
National Guard Bureau  
Corps of Engineers  
Information Systems Command  
Medical Research and Development Command  
U.S. Army, Pacific  
Military Traffic Management Command  
Space and Strategic Defense Command  
Eighth U.S. Army  
Intelligence and Security Command  
U.S. Army, South  
Defense Supply Service-Washington  
Directorate of Information Systems for Command, Control, Communications and Computers, Office of the Secretary of the Army  
U.S. Army Special Operations Command

#### NAVY

Deputy, Acquisition and Business Management, Office of the Assistant Secretary of the Navy (Research, Development, and Acquisition)  
Naval Air Systems Command  
Space and Naval Warfare Systems Command  
Naval Facilities Engineering Command  
Naval Inventory Control Point  
Naval Sea Systems Command  
Naval Supply Systems Command  
Office of Naval Research  
Military Sealift Command  
Strategic Systems Programs  
Marine Corps Materiel Command

## Department of Defense

202.101

Installations and Logistics, Headquarters,  
U.S. Marine Corps

### AIR FORCE

Office of the Assistant Secretary of the Air  
Force (Acquisition)  
Office of the Deputy Assistant Secretary  
(Contracting)  
Air Force Materiel Command  
Air Combat Command  
Air Mobility Command  
Air Education and Training Command  
Pacific Air Forces  
United States Air Forces in Europe  
Air Force Space Command

### DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Office of the Deputy Director, Management

### DEFENSE CONTRACT MANAGEMENT AGENCY

Office of the Director, Defense Contract  
Management Agency

### DEFENSE FINANCE AND ACCOUNTING SERVICE

External Services, Defense Finance and Ac-  
counting Service

### DEFENSE INFORMATION SYSTEMS AGENCY

Defense Information Technology Con-  
tracting Organization

### DEFENSE INTELLIGENCE AGENCY

Office of Procurement

### DEFENSE LOGISTICS AGENCY

Office of the Executive Director, Logistics  
Policy and Acquisition Management  
Defense Supply Centers  
Defense Energy Support Center

### NATIONAL IMAGERY AND MAPPING AGENCY

Procurement and Contracting Office

### DEFENSE THREAT REDUCTION AGENCY

Acquisition Management Office

### NATIONAL SECURITY AGENCY

Headquarters, National Security Agency

### BALLISTIC MISSILE DEFENSE ORGANIZATION

Headquarters, Ballistic Missile Defense Or-  
ganization

### UNITED STATES SPECIAL OPERATIONS COMMAND

Headquarters, United States Special Oper-  
ations Command

*Contracting officer's representative*  
means an individual designated and au-  
thorized in writing by the contracting  
officer to perform specific technical or  
administrative functions.

*Departments and agencies*, as used in  
DFARS, means the military depart-  
ments and the defense agencies. The  
military departments are the Depart-  
ments of the Army, Navy, and Air  
Force (the Marine Corps is a part of the  
Department of the Navy). The defense  
agencies are the Defense Advanced Re-  
search Projects Agency, the Defense  
Commissary Agency, the Defense Con-  
tract Management Agency, the Defense  
Finance and Accounting Service, the  
Defense Information Systems Agency,  
the Defense Intelligence Agency, the  
Defense Security Service, the Defense  
Logistics Agency, the National Im-  
agery and Mapping Agency, the De-  
fense Threat Reduction Agency, the  
National Security Agency, the Bal-  
listic Missile Defense Organization,  
and the United States Special Oper-  
ations Command.

*Department of Defense (DoD)*, as used  
in DFARS, means the Department of  
Defense, the military departments, and  
the defense agencies.

*Executive agency* means for DoD, the  
Department of Defense, the Depart-  
ment of the Army, the Department of  
the Navy, and the Department of the  
Air Force.

*Head of the agency* means, for DoD,  
the Secretary of Defense, the Secretary  
of the Army, the Secretary of the  
Navy, and the Secretary of the Air  
Force. Subject to the direction of the  
Secretary of Defense, the Under Sec-  
retary of Defense (Acquisition, Tech-  
nology, and Logistics), and the Direc-  
tor of Defense Procurement, the direc-  
tors of the defense agencies have been  
delegated authority to act as head of  
the agency for their respective agen-  
cies (i.e., to perform functions under  
the FAR or DFARS reserved to a head  
of agency or agency head), except for  
such actions that by terms of statute,  
or any delegation, must be exercised  
within the Office of the Secretary of  
Defense.

*Senior procurement executive* means,  
for DoD—

Department of Defense (including the  
defense agencies)—Under Secretary of  
Defense (Acquisition, Technology, and  
Logistics);

Department of the Army—Assistant  
Secretary of the Army (Research, De-  
velopment and Acquisition);

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Department of the Navy—Assistant Secretary of the Navy (Research, Development and Acquisition);

Department of the Air Force—Assistant Secretary of the Air Force (Acquisition).

The directors of the defense agencies have been delegated authority to act as senior procurement executive for their respective agencies, except for such actions that by terms of statute, or any delegation, must be exercised by the Under Secretary of Defense (Acquisition, Technology, and Logistics).

[56 FR 36287, July 31, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting section 202.101, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

**Subpart 203.1—Safeguards**

- Sec.
- 203.103 Independent pricing.
- 203.103-2 Evaluating the certification.
- 203.104 Procurement integrity.
- 203.104-5 Disclosure of proprietary and source selection information.
- 203.104-10 Violations or possible violations.

**Subpart 203.2—Contractor Gratuities to Government Personnel**

- 203.203 Reporting suspected violations of the Gratuities clause.

**Subpart 203.3—Reports of Suspected Antitrust Violations**

- 203.301 General.

**Subpart 203.4—Contingent Fees**

- 203.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

**Subpart 203.5—Other Improper Business Practices**

- 203.502 Subcontractor kickbacks.
- 203.502-2 General.
- 203.570 Prohibition on persons convicted of frauds or other defense-contract-related felonies.
- 203.570-1 Scope.
- 203.570-2 Policy.
- 203.570-3 Waiver.
- 203.570-4 Reporting.
- 203.570-5 Contract clause.

**Subpart 203.7—Voiding and Rescinding Contracts**

- 203.703 Authority.

**Subpart 203.70—Contractor Standards of Conduct**

- 203.7000 Policy.
- 203.7001 Procedures.
- 203.7002 Contract clause.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36288, July 31, 1991, unless otherwise noted.

**Subpart 203.1—Safeguards**

**203.103 Independent pricing.**

**203.103-2 Evaluating the certification.**

(b)(3) Report the matter in accordance with 209.406-3 or 209.407-3, and DoDD 7050.5, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities.

[64 FR 62984, Nov. 18, 1999]

**203.104 Procurement integrity.**

**203.104-5 Disclosure of proprietary and source selection information.**

(d)(4) For purposes of FAR 3.104-5(d)(4) only, DoD follows the notification procedures in FAR 27.404(h). However, the first sentence in FAR 27.404(h) does not apply to DoD.

[56 FR 36288, July 31, 1991, as amended at 62 FR 2612, Jan. 17, 1997]

**203.104-10 Violations or possible violations.**

(d)(3) When referring a violation to the agency debarring and suspending official, use the procedures at 209.406-3 or 209.407-3, and DoDD 7050.5, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities.

[64 FR 62984, Nov. 18, 1999; 65 FR 4864, Feb. 1, 2000]

**Subpart 203.2—Contractor Gratuities to Government Personnel**

**203.203 Reporting suspected violations of the Gratuities clause.**

Report suspected violations of the Gratuities clause in accordance with