

## Department of Veterans Affairs

803.101-3

(c) Instances that may require the use of interim appointments may include, but are not limited to the following:

- (1) Organization changes;
  - (2) Sudden extreme increases in the number of procurement requests; and
  - (3) New hires or promotions into GS-1102 series.
- (d) Interim appointments shall normally not exceed a 2 year period.

[52 FR 24012, June 26, 1987, as amended at 54 FR 31965, Aug. 3, 1989]

### 801.690-8 Distribution of SF 1402, Certificate of Appointment

(a) The original SF 1402, Certificate of Appointment, shall be provided to the appointed contracting officer and displayed at the contracting officer's duty station.

(b) A copy of the certificate will be filed in the delegation of authority file and another copy will be furnished to the fiscal activity.

(c) Each certificate will be serially numbered.

[54 FR 31965, Aug. 3, 1989]

### 801.690-9 Post appointment maintenance of certifications. [Reserved]

## PART 802—DEFINITIONS OF WORDS AND TERMS

### Subpart 802.1—Definitions

#### 802.100 Definitions

(a) In VA, *head of the contracting activity* means the Director, Acquisition Management Service, Central Office; Deputy Assistant Secretary for Facilities, Central Office; Director, Building and Supply Service, Central Office; Director, Publications Service, Central Office; Director, Monument Service, Central Office; Director, Vocational Rehabilitation and Education Service, Central Office; Director, Loan Guaranty Service, Central Office; Director, VA Marketing Center; Chief, Supply Service, at a field facility; and the Director, Regional Office.

(b) Procurement Executive means the Deputy Assistant Secretary for Acquisition and Materiel Management.

(c) Senior Procurement Executive means the Assistant Secretary for

Management (004). The Senior Procurement Executive is responsible for the management direction of the VA acquisition systems.

(38 U.S.C. 501 and 40 U.S.C. 486(c))

[52 FR 24013, June 26, 1987, as amended at 52 FR 28559, July 31, 1987; 54 FR 40062, Sept. 29, 1989; 61 FR 1527, Jan. 22, 1996]

## PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

### Subpart 803.1—Safeguards

Sec.

803.101 Standards of conduct.

803.101-3 Department regulations.

### Subpart 803.2—Contractor Gratuities to Government Personnel

803.203 Reporting suspected violations of the Gratuities Clause.

### Subpart 803.3—Reports of Suspected Antitrust Violations

803.303 Reporting suspected antitrust violations.

### Subpart 803.4—Contingent Fees

803.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

### Subpart 803.5—Other Improper Business Practices

803.502 Subcontractor kickbacks.

### Subpart 803.70—Contractor Responsibility To Avoid Improper Business Practices

803.7000 Policy.

803.7001 Display of VA hotline poster.

803.7002 Contract clause.

AUTHORITY: 38 U.S.C. 501 and 40 U.S.C. 486(c).

SOURCE: 49 FR 12592, Mar. 29, 1984, unless otherwise noted.

### Subpart 803.1—Safeguards

803.101 Standards of conduct.

803.101-3 Department regulations.

(a) Standards of conduct for all VA employees, including contracting officials, are found in 38 CFR part 0.

(b) Requirements for employee financial disclosure are contained in 38 CFR

## 803.203

part 0, subpart B. Generally contracting officers and all supervisory contracting officials must file financial disclosure statements.

[49 FR 12592, Mar. 29, 1984, as amended at 61 FR 20491, May 7, 1996; 63 FR 69218, Dec. 16, 1998; 64 FR 30442, June 8, 1999]

### **Subpart 803.2—Contractor Gratuities to Government Personnel**

#### **803.203 Reporting suspected violations of the Gratuities Clause.**

(a) Suspected violations of the Gratuities Clause will be reported to the head of the contracting activity through the contracting officer. The head of the contracting activity will confirm that violations are evident and that reporting these violations to officials designated in paragraph (b) would be warranted.

(b) When violations of the Gratuities Clause warrant actions described in FAR 3.204(c) the head of the contracting activity will request instructions from the VA General Counsel (025) through the Deputy Assistant Secretary for Acquisition and Materiel Management.

[49 FR 12592, Mar. 29, 1984, as amended at 61 FR 1527, Jan. 22, 1996]

### **Subpart 803.3—Reports of Suspected Antitrust Violations**

#### **803.303 Reporting suspected antitrust violations.**

Instances of possible antitrust violations will be reported by procurement activities in accordance with FAR 3.303 to the Deputy Assistant Secretary for Acquisition and Materiel Management for review and submission to the General Counsel, who will determine whether or not to submit the case to the Attorney General.

[49 FR 12592, Mar. 29, 1984, as amended at 61 FR 1527, Jan. 22, 1996]

### **Subpart 803.4—Contingent Fees**

#### **803.405 Misrepresentations or violations of the Covenant Against Contingent Fees.**

Before taking any administrative action the heads of the contracting activity shall consult with their respective

## 48 CFR Ch. 8 (10–1–02 Edition)

VA District Counsels. Contracting officers in Central Office shall consult with the Office of the General Counsel.

[49 FR 12592, Mar. 29, 1984, as amended at 50 FR 791, Jan. 7, 1985; 61 FR 20491, May 7, 1996. Redesignated at 63 FR 69218, Dec. 16, 1998]

### **Subpart 803.5—Other Improper Business Practices**

#### **803.502 Subcontractor kickbacks.**

Suspected violations of the Anti-kickback Act will be reported to the Office of the General Counsel.

### **Subpart 803.70—Contractor Responsibility To Avoid Improper Business Practices**

SOURCE: 57 FR 58718, Dec. 11, 1992, unless otherwise noted.

#### **803.7000 Policy.**

It is Department of Veterans Affairs' (VA) policy to contract with companies that conduct business with the highest degree of integrity and honesty. To demonstrate this commitment to integrity and honesty, contractors should have standards of conduct and internal control systems that are designed to promote such standards, to facilitate the timely discovery and disclosure of improper conduct in connection with Government contracts, and to assure that corrective measures are promptly instituted and carried out. For example, a contractor's system of management controls should provide for—

(a) A written code of business ethics and standards of conduct and an ethics training program for all employees;

(b) A mechanism, such as a hotline, by which employees may report suspected instances of improper conduct, and instructions that encourage employees to make such reports;

(c) Disciplinary action for improper conduct;

(d) Periodic reviews of company business practices, procedures, policies, and internal controls for compliance with standards of conduct and the special requirements of Government contracting;

(e) Internal and/or external audits as appropriate;