

(8) U.S. Secret Service (Secret Service).

Senior Procurement Executive (SPE) for the Department of Homeland Security is the Chief Procurement Officer (CPO).

Sensitive Information as used in this Chapter, means any information, the loss, misuse, disclosure, or unauthorized access to or modification of which could adversely affect the national or homeland security interest, or the conduct of Federal programs, or the privacy to which individuals are entitled under 5 U.S.C. 552a (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense, homeland security or foreign policy. This definition includes the following categories of information:

(1) Protected Critical Infrastructure Information (PCII) as set out in the Critical Infrastructure Information Act of 2002 (Title II, Subtitle B, of the Homeland Security Act, Pub. L. 107-296, 196 Stat. 2135), as amended, the implementing regulations thereto (6 CFR part 29) as amended, the applicable PCII Procedures Manual, as amended, and any supplementary guidance officially communicated by an authorized official of the Department of Homeland Security (including the PCII Program Manager or his/her designee);

(2) Sensitive Security Information (SSI), as defined in 49 CFR part 1520, as amended, "Policies and Procedures of Safeguarding and Control of SSI," as amended, and any supplementary guidance officially communicated by an authorized official of the Department of Homeland Security (including the Assistant Secretary for the Transportation Security Administration or his/her designee);

(3) Information designated as "For Official Use Only," which is unclassified information of a sensitive nature and the unauthorized disclosure of which could adversely impact a person's privacy or welfare, the conduct of Federal programs, or other programs or operations essential to the national or homeland security interest; and

(4) Any information that is designated "sensitive" or subject to other controls, safeguards or protections in

accordance with subsequently adopted homeland security information handling procedures.

Simplified acquisition threshold is defined as in (FAR) 48 CFR 2.101, except when (HSAR) 48 CFR 3013.7004 applies.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25767, May 2, 2006; 71 FR 48801, Aug. 22, 2006; 72 FR 1297, Jan. 11, 2007]

Subpart 3002.2—Abbreviations

3002.270 Abbreviations.

BCBA Civilian Board of Contract Appeals
 CFO Chief Financial Officer
 CIO Chief Information Officer
 COCO Chief of the Contracting Office
 COR Contracting Officer's Representative
 COTR Contracting Officer's Technical Representative
 CPO Chief Procurement Officer
 D&F Determination and Findings
 FOIA Freedom of Information Act
 HCA Head of Contracting Activity
 J&A Justification and Approval for Other than Full and Open Competition
 KO Contracting Officer
 MD Management Directive
 OCPO Office of the Chief Procurement Officer
 OIG Office of the Inspector General
 OSDBU Office of Small and Disadvantaged Business Utilization
 PCR SBA's Procurement Center Representative
 RFP Request for Proposal
 SBA Small Business Administration
 SBS Small Business Specialist
 SPE Senior Procurement Executive

[72 FR 1297, Jan. 11, 2007]

PART 3003—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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3003.901 Definitions.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3003.1—Safeguards

3003.101 Standards of conduct.

3003.101-3 Agency regulations.

Government-wide and Department of Homeland Security regulations governing the conduct and responsibilities of employees are contained in 5 CFR part 2635, and MD 0480.1, Ethics/Standards of Conduct, or any replacement Management Directive.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25768, May 2, 2006]

Subpart 3003.2—Contractor Gratuities to Government Personnel

3003.203 Reporting suspected violations of the Gratuities clause.

(a) Suspected violations shall be reported to the contracting officer responsible for the acquisition (or the COCO if the contracting officer is suspected of the violation). The contracting officer (or the COCO) shall obtain from the person reporting the violation, and any witnesses to the violation, the following information:

- (1) The date, time, and place of the suspected violation;
- (2) The name and title (if known) of the individual(s) involved in the violation; and

(3) The details of the violation (*e.g.*, the gratuity offered or intended) to obtain a contract or favorable treatment under a contract.

(4) The person reporting the violation and witnesses (if any) shall be requested to sign and date the information certifying that the information furnished is true and correct.

(b) The contracting officer shall submit the report to the COCO (unless the alleged violation was directly reported to the COCO) and the Head of the Contracting Activity (HCA) for further action. The COCO and HCA will determine, with the advice of the Component legal counsel, whether the case warrants submission to the OIG, or other investigatory organization.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25768, May 2, 2006; 71 FR 48801, Aug. 22, 2006]

3003.204 Treatment of violations.

(a) The HCA is the individual to determine whether a Gratuities clause violation has occurred. If the HCA has been personally and substantially involved in the specific procurement, the advice of Government legal counsel should be sought to determine whether an alternate decision maker should be designated.

(b) The COCO shall ensure that the hearing procedures required by (FAR) 48 CFR 3.204(b) are afforded to the contractor. Government legal counsel shall be consulted regarding the appropriateness of the hearing procedures that are established.

(c) If the HCA determines that the alleged gratuities violation occurred during the "conduct of an agency procurement" the COCO shall consult with Government legal counsel regarding appropriate action.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25768, May 2, 2006]

Subpart 3003.3—Reports Of Suspected Antitrust Violations

3003.301 General.

(b) The procedures at (HSAR) 48 CFR 3003.203 shall be followed for suspected antitrust violations, except reports of suspected antitrust violations shall be