

Subchapter 3003.1 Safeguards**3003.104 Procurement integrity.****3003.104-1 Definitions.**

The designated agency ethics official for DHS is in the Office of General Counsel. The deputy ethics officials are the Component's Chief Counsels or designees.

3003.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

- (a) The contracting officer is delegated this authority.
- (b) Individuals having access to documents which contain proprietary or source selection information shall:
 - (i) Ensure that the information is marked as required by FAR 2.101 (under the definition for "Source selection information") and FAR 3.104-4;
 - (ii) Use DHS Form 700-14, Cover Page Proprietary Information, to notify the recipient that the information or portions thereof is proprietary information related to the conduct of a Federal agency procurement;
 - (iii) Use DHS Form 700-13, Cover Page Source Selection Information, and comply also with the requirements of FAR 3.104-4(c) with respect to the marking of pages, to notify the recipient that the document contains source selection information;
 - (iv) Ensure that the information is secured and protected both during and after working hours;
 - (v) Ensure interoffice security mailing of the information; and
 - (vi) Ensure strict control over where discussions regarding the information or related acquisition are held.

3003.104-5 Disqualification.

(c)(2) *Resumption of participation in a procurement.* The Chief of the Contracting Office (COCO), without redelegation, is delegated authority for actions with a total contract value of \$25 million or less. The Head of the Contracting Activity (HCA), without redelegation, is the authorizing official for contract actions valued above \$25 million.

3003.104-7 Violations or possible violations.

(a)(1) Violations or possible violations shall be reviewed one level above the contracting officer. In no case shall the authority be delegated below one level above the contracting officer. When, in the judgement of the HCA, there is a serious concern regarding a violation or possible violation, the HCA shall promptly provide written notification the Chief Procurement Officer (CPO).

(b)(5) The HCA shall make the recommendation to the CPO.

(c) The HCA should consult the appropriate criminal investigative agency (e.g., the Department of Justice) and obtain guidance from legal counsel and the OIG prior to taking any action.

(d)(2)(ii)(B) The CPO shall make this determination.

(f) The contracting officer shall prepare a memorandum of the facts and circumstances for the HCA's signature, and place the signed document in the contract file. The HCA shall provide written notification to the CPO before authorizing the contracting officer to make award or execute a modification.

3003.104-570 Information security.

Each contracting office and individual having access to contractor bid or proposal information, source selection information, or other sensitive procurement information must take the steps necessary to ensure that the integrity of the procurement process is not compromised by the unauthorized disclosure of this information. Particular attention should be paid to visitors, contract file security, data security, and transmission of sensitive procurement information.