

## Health and Human Services

303.1003

### **PART 303—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

#### **Subpart 303.1—Safeguards**

Sec.

- 303.101 Standards of conduct.
- 303.101-3 Agency regulations.
- 303.1047-7 Violations or possible violations of the Procurement Integrity Act.
- 303.1003 Requirements.

#### **Subpart 303.2—Contractor Gratuities to Government Personnel**

- 303.203 Reporting suspected violations of the Gratuities clause.

#### **Subpart 303.3—Reports of Suspected Antitrust Violations**

- 303.303 Reporting suspected antitrust violations.

#### **Subpart 303.4—Contingent Fees**

- 303.405 Misrepresentations or violations of the Covenant Against Contingent Fees clause.

#### **Subpart 303.6—Contracts With Government Employees or Organizations Owned or Controlled by Them**

- 303.602 Exceptions.

#### **Subpart 303.7—Voiding and Rescinding Contracts**

- 303.704 Policy.

#### **Subpart 303.8—Limitation on the Payment of Funds To Influence Federal Transactions**

- 303.808-70 Solicitation provision and contract clause.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

#### **Subpart 303.1—Safeguards**

##### **303.101 Standards of conduct.**

##### **303.101-3 Agency regulations.**

(a)(3) The HHS Standards of Conduct are prescribed in 45 CFR part 73.

##### **303.104-7 Violations or possible violations of the Procurement Integrity Act.**

(a)(1) The Contracting Officer shall submit to the HCA for review and ap-

proval the determination (along with supporting documentation) that a reported violation or possible violation of the statutory prohibitions has no impact on the pending award or selection of a contractor for award.

(2) The Contracting Officer shall refer the determination that a reported violation or possible violation of the statutory prohibitions has an impact on the pending award or selection of a contractor, along with all related information available, to the HCA, if the HCA is in the Senior Executive Service (SES), or to another SES official designated by the OPDIV. That individual shall—

(i) Refer the matter immediately to the Associate DAS for Acquisition for review, who may consult with OGC-GLD and the Office of the Inspector General (OIG), as appropriate; and

(ii) Determine the necessary action in accordance with *FAR 3.104-7(c) and (d)*. The HCA shall obtain the approval or concurrence of the Associate DAS for Acquisition before proceeding with an action.

(b) The HCA (non-delegable) shall act with respect to actions taken under the FAR clause *52.203-10*, Price or Fee Adjustment for Illegal or Improper Authority.

#### **303.1003 Requirements.**

(b) The Contracting Officer, when notified of a possible contractor violation of Federal criminal law, in accordance with FAR 3.1003(b), shall—

(1) Notify the OIG at <http://www.oig.hhs.gov/fraud/hotline/>;

(2) Notify the HCA; and

(3) Cooperate with any investigation by the OIG; and in coordination with the HCA, OIG, OGC and the affected program office, pursue appropriate remedies.

(c)(2) The Contracting Officer shall specify the title of HHS' hotline poster ("Report Fraud") and the Web site where the poster can be obtained ([http://oig.hhs.gov/fraud/hotline/OIG\\_Hotline\\_Poster.pdf](http://oig.hhs.gov/fraud/hotline/OIG_Hotline_Poster.pdf)) in subparagraph (b)(3) of the clause at *FAR 52.203-14*.

[74 FR 62398, Nov. 27, 2009, as amended at 75 FR 21510, Apr. 26, 2010]