

*Head of the Contracting Activity (HCA)* means, for purposes of delegation of contracting authority, officials who are designated as Heads of Operating Units (those who are assigned by the President or by the Secretary to manage the primary or constituent operating units of the DOC) in orders establishing the respective operating units, with the exception of the Office of the Secretary. Such officials are designated as the HCA for procurements initiated in support of the procurement activities of that operating unit. The Chief Financial Officer and Assistant Secretary for Administration has been designated as the HCA for procurements initiated in support of the programs and activities of the Office of the Secretary and all other Secretarial Offices and Departmental Offices.

*Office of Small and Disadvantaged Business Utilization (OSDBU)*, *The* means the advocacy and advisory office responsible for promoting the use of small, small disadvantaged, 8(a), women-owned, veteran-owned, service-disabled veteran-owned, and HUBZone small businesses within the Department acquisition process.

*Office of the Assistant General Counsel for Administration, Employment & Labor Law Division* means the Department Legal Office that provides advice and guidance to management regarding employment and labor law issues, including the legal standards for taking adverse and performance-based actions.

*Office of the Assistant General Counsel for Administration, Ethics Law and Program Division* means the Department Legal Office that provides advice and guidance regarding conflict of interest statutes, ethics regulations, and related laws.

*Operating Units* are organizational entities outside the Office of the Secretary charged with carrying out specified substantive functions (*i.e.*, programs) of the Department and are identified in DAO 208-2.

*Procurement Counsel* means, except for the Patent and Trademark Office (PTO), the Office of the Assistant General Counsel for Finance & Litigation, Contract Law Division, the office responsible for providing legal review of applicable contract actions and procurement legal advice to all operating

units, and handling procurement-related litigation. "Procurement Counsel" for all PTO procurement-related actions means Office of General Law.

*Procurement Executive (or Senior Procurement Executive (PE))* means the official appointed pursuant to Executive Order 12931 and the Services Acquisition Reform Act of 2003 to carry out the responsibilities identified in both the Executive Order and the Act. The Director for Acquisition Management is the Procurement Executive for the Department of Commerce.

*Senior Bureau Procurement Official (BPO)* means the senior career procurement official, within each operating unit that has been delegated contracting authority, who is designated as the Senior Bureau Procurement Official. The BPO must be a procurement professional who has both experience and training in the area of Federal procurement and contracting. HCAs may designate one BPO within their organization to carry out the day-to-day functions of managing the contracting activity. BPOs may also serve as the Head of Contracting Office. The Procurement Executive will issue each BPO a Contracting Officer Warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

#### 1302.170 Abbreviations

AIR Additional Item Requirements  
 BPO Senior Bureau Procurement Official  
 CAAC Civilian Agency Acquisition Council  
 CAM Commerce Acquisition Manual  
 CAO Chief Acquisition Officer  
 CAR Commerce Acquisition Regulation  
 CFO/ASA Chief Financial Officer/Assistant Secretary for Administration  
 CFR Code of Federal Regulations  
 CO Contracting Officer  
 COR Contracting Officer's Representative  
 DAO Departmental Administrative Order  
 DOC Department of Commerce  
 DOO Departmental Organizational Order  
 D&F Determination and Findings  
 EVMS Earned Value Management System  
 FAR Federal Acquisition Regulation  
 HCA Head of Contracting Activity  
 HCO Head of Contracting Office  
 IRB Institutional Review Board  
 JOFOC Justification for Other than Full and Open Competition  
 NIST National Institute of Standards and Technology

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NOAA National Oceanic and Atmospheric Administration  
OCI Organizational Conflict of Interest  
OCIO Office of the Chief Information Officer  
OFPP Office of Federal Procurement Policy  
OIG Office of Inspector General  
OMB Office of Management and Budget  
OS Office of the Secretary  
OSDBU Office of Small and Disadvantaged Business Utilization  
PE Procurement Executive  
PTO Patent and Trademark Office  
RFP Request for Proposals  
SBA Small Business Administration  
OU Operating Unit

1303.705 Procedures.

**Subpart 1303.8—Limitation on the Payment of Funds To Influence Federal Transactions**

1303.804 Policy.

1303.806 Processing suspected violations.

**Subpart 1303.9—Whistleblower Protections for Contractor Employees**

1303.905 Procedures for investigating complaints.

1303.906 Remedies.

AUTHORITY: 41 U.S.C. 414; 48 CFR 1.301-1.304.

SOURCE: 75 FR 10570, Mar. 8, 2010, unless otherwise noted.

**PART 1303—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

**Subpart 1303.1—Safeguards**

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Sec.

1303.101 Standards of conduct.

1303.101-2 Solicitation and acceptance of gratuities by government personnel.

1303.101-3 Agency regulations.

1303.104 Procurement integrity.

1303.104-4 Disclosure, protection and marking of contractor bid or proposal information and source selection information.

1303.104-7 Violations or possible violations.

**Subpart 1303.2—Contractor Gratuities to Government Personnel**

1303.203 Reporting suspected violations of the gratuities clause.

1303.204 Treatment of violations.

**Subpart 1303.3—Reports of Suspected Antitrust Violations**

1303.303 Reporting suspected antitrust violations.

**Subpart 1303.4—Contingent Fees**

1303.405 Misrepresentations or violations of the covenant against contingent fees.

**Subpart 1303.5—Other Improper Business Practices**

1303.502 Subcontractor kickbacks.

1303.502-2 Subcontractor kickbacks.

**Subpart 1303.6—Contracts With Government Employees or Organizations Owned or Controlled by Them**

1303.602 Exceptions.

**Subpart 1303.7—Voiding and Rescinding Contracts**

1303.704 Policy.

**1303.101 Standards of conduct.**

**1303.101-2 Solicitation and acceptance of gratuities by government personnel.**

(a) Suspected violations of the prohibition on soliciting and accepting gratuities shall be reported to the Office of the Inspector General in accordance with DAO 207-10, *Inspector General Investigations*.

(b) To obtain legal advice regarding the solicitation and acceptance of gratuities, contact the Office of the Assistant General Counsel for Administration, Ethics Law and Program Division.

**1303.101-3 Agency regulations.**

The Department has issued rules implementing Executive Order 11222 prescribing employee standards of conduct (see DOC Office of General Counsel Web site).

**1303.104 Procurement integrity.**

**1303.104-4 Disclosure, protection and marking of contractor bid or proposal information and source selection information.**

Contractor bid or proposal information and source selection information must be protected from unauthorized disclosure in accordance with FAR Parts 3, 14 and 15, and CAM 1315.3.

**1303.104-7 Violations or possible violations.**

Suspected violations of the Procurement Integrity Act shall be reported to