

## National Aeronautics and Space Administration

1809.505-4

SOURCE: 61 FR 47075, Sept. 6, 1996, unless otherwise noted.

in the solicitation and in the resulting contract.

### Subpart 1809.1—Responsible Prospective Contractors

### Subpart 1809.4—Debarment, Suspension, and Ineligibility

#### 1809.104-4 Subcontractor responsibility.

#### 1809.403 Definitions.

Generally, the Canadian Commercial Corporation's (CCC) proposal of a firm as its subcontractor is sufficient basis for an affirmative determination of responsibility. However, when the CCC determination of responsibility is not consistent with other information available to the contracting office, the contracting officer shall request from the CCC and any other sources whatever information is necessary to make the responsibility determination.

For purposes of FAR subpart 9.4 and this subpart, the Assistant Administrator for Procurement is the "debar- ring official," the "suspending official," and the agency head's "des- ignee."

Upon request, CCC shall be furnished the rationale for any subsequent deter- mination of nonresponsibility.

### Subpart 1809.5—Organizational and Consultant Conflicts of Interest

### Subpart 1809.2—Qualification requirements

#### 1809.505-4 Obtaining access to sensitive information.

#### 1809.206 Acquisitions subject to qual- ification requirements.

(b) In accordance with FAR 9.503, the Assistant Administrator for Procure- ment has determined that it would not be in the Government's interests for NASA to comply strictly with FAR 9.505-4(b) when acquiring services to support management activities and ad- ministrative functions. The Assistant Administrator for Procurement has, therefore, waived the requirement that before gaining access to other compa- nies' proprietary or sensitive (see 1837.203-70) information contractors must enter specific agreements with each of those other companies to pro- tect their information from unauthor- ized use or disclosure. Accordingly, NASA will not require contractors and subcontractors and their employees in procurements that support manage- ment activities and administrative functions to enter into separate, inter- related third party agreements to pro- tect sensitive information from unau- thorized use or disclosure. As an alter- native to numerous, separate third party agreements, 1837.203-70 prescribes detailed policy and procedures to pro- tect contractors from unauthorized use or disclosure of their sensitive infor- mation. Nothing in this section waives the requirements of FAR 37.204 and 1837.204.

#### 1809.206-1 General. (NASA supple- ments paragraph (b) and (c))

(c) If an offeror seeks to demonstrate its capability, both the product and the producer must meet the established standards.

[61 FR 47075, Sept. 6, 1996, as amended at 69 FR 21763, Apr. 22, 2004]

#### 1809.206-70 Small businesses.

If a small business otherwise eligible for award has been placed in a special status on a Qualified Products List (Mil-Bul-103) or the Qualified Manufac- turers List (QML-38510) established as a part of the NASA Microelectronics Reliability Program and the con- tracting officer determines that the small business does not appear to have the capacity to perform, the certificate of competency procedures in FAR sub- part 19.6 are applicable.

#### 1809.206-71 Contract clause.

When qualified products (end items or components of end items) are being procured, the contracting officer shall insert the clause at 1852.209-70, Product Removal from Qualified Products List,

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