SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 2005—PUBLICIZING CONTRACT ACTIONS

Subpart 2005.5—Paid Advertisements

Sec. 2005.502 Authority.

AUTHORITY: (42 U.S.C. 2201); 42 U.S.C. 5841; 41 U.S.C. 401 et seq.

SOURCE: 64 FR 49327, Sept. 10, 1999, unless otherwise noted.

Subpart 2005.5—Paid Advertisements

2005.502 Authority.

Before placing paid advertisements in newspapers and trade journals to publicize contract actions, written authority must be obtained from the Director, Division of Contracts and Property Management, for Headquarters activities, or the Director, Division of Resource Management and Administration, within each regional office for a regional procurement.

PART 2009—CONTRACTOR QUALIFICATIONS

Subpart 2009.1—Responsible Prospective Contractors

Sec. 2009.100 NRC policy.

(a) It is NRC policy that only competitively awarded contracts shall be placed with an individual who was employed by the NRC within two years from the date of the Request for Procurement Action. This policy also applies to:

1. The noncompetitive award of contracts to organizations where former NRC employees have dominant ownership interests in the organization, such as partners or majority stockholders;
2. The noncompetitive award of contracts to organizations where former NRC employees have dominant management interests, such as principal officers, or where the organization is predominantly staffed by former NRC employees; and
3. The noncompetitive award of contracts, task orders or other NRC work assignments where the particular assignment is to be performed by designated former NRC employees, including principal investigators, key personnel, and others who will perform more than a nominal amount of the work in question.

Subpart 2009.5—Organizational Conflicts of Interest

2009.500 Scope of subpart.
2009.570 NRC organizational conflicts of interest.
2009.570-1 Scope of policy.
2009.570-2 Definitions.
2009.570-3 Criteria for recognizing contractor organizational conflicts of interest.
2009.570-4 Representation.
2009.570-5 Contract clauses.
2009.570-6 Evaluation, findings, and contract award.
2009.570-7 Conflicts identified after award.
2009.570-8 Subcontracts.
2009.570-9 Waiver.
2009.570-10 Remedies.


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(b) The following procurement actions are considered noncompetitive for the purposes of this policy:

1. Contracts awarded noncompetitively under the Small Business Administration’s 8(a) Program;
2. Individual task orders if the former employee was not identified as ‘‘key personnel’’ in a proposal which was evaluated under competitive procedures;
3. Unsolicited proposals;
4. Subcontracts that require review for the purpose of granting consent under NRC prime contracts.

(c) The term NRC employee includes special Government employees performing services for NRC as experts, advisors, consultants, or members of advisory committees, if—

1. The contract arises directly out of the individual’s activity as a special employee;
2. The individual is in a position to influence the award of the contract; or
3. The Contracting Officer determines that another conflict of interest exists.

(d) A justification explaining why it is in the best interest of the Government to contract with an individual or firm described in paragraphs (a) and (b) of this section on a noncompetitive basis may be approved by the Senior Procurement Executive after consulting with the Executive Director for Operations. This is in addition to any justification and approvals which may be required by the FAR for use of other than full and open competition.

(e) Nothing in this policy statement relieves former employees from obligations prescribed by law, such as 18 U.S.C. 207, Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches.


The contracting officer shall insert the following provisions in all solicitations:

(a) Section 2052.209–70 Current/Former Agency Employee Involvement.