

**Department of Energy**

**903.900**

**Subpart 903.2—Contractor Gratuities to Government Personnel**

**903.203 Reporting suspected violations of the Gratuities clause.**

(a) Suspected violations of the Gratuities clause shall be reported to the Head of the Contracting Activity (HCA) in writing detailing the circumstances. The HCA will evaluate the report and, if the report appears to substantiate the allegations, the matter will be referred to the Senior Procurement Executive for disposition.

[49 FR 11940, Mar. 28, 1984, as amended at 59 FR 9104, Feb. 25, 1994; 74 FR 36378, July 22, 2009]

**903.204 Treatment of violations.**

Apparent violations will be processed in accordance with the debarment and suspension rules set forth at Title 10, part 1035, of the Code of Federal Regulations.

**Subpart 903.3—Reports of Suspected Antitrust Violations**

**903.303 Reporting suspected antitrust violations.**

(a) Potential anti-competitive practices, such as described in 48 CFR 3.301, and antitrust law violations as described in 48 CFR 3.303, evidenced in bids or proposals, shall be reported to the Office of General Counsel through the Head of the Contracting Activity with a copy to the Senior Procurement Executive. The Office of General Counsel will provide reports to the Attorney General, as appropriate.

[50 FR 12183, Mar. 27, 1985, as amended at 59 FR 9104, Feb. 25, 1994; 76 FR 7690, Feb. 11, 2011]

**Subpart 903.4—Contingent Fees**

**903.405 Misrepresentations or violations of the Covenant Against Contingent Fees.**

(b) Before the Chief of the Contracting Office initiates appropriate action, the action shall be reviewed by Legal Counsel.

[76 FR 7690, Feb. 11, 2011]

**Subpart 903.5—Other Improper Business Practices**

**903.502 Subcontractor kickbacks.**

Contracting officers shall report suspected violations of the Anti-Kickback Act through the Head of the Contracting Activity, or designee, to the Office of General Counsel.

[49 FR 11940, Mar. 28, 1984, as amended at 74 FR 36361, July 22, 2009]

**Subpart 903.6—Contracts With Government Employees or Organizations Owned or Controlled by Them**

**903.603 Responsibilities of the contracting officer.**

(a) When the needs of the Government cannot be reasonably supplied by sources other than employees of the Government or sources which are substantially owned or controlled by Government employees, the contracting officer, in accordance with 48 CFR 3.602, may submit, through the HCA, a request to the Senior Procurement Executive, with appropriate justification, for approval of an exception to the prohibitions contained in 48 CFR 3.601.

[49 FR 11940, Mar. 28, 1984, as amended at 59 FR 9104, Feb. 25, 1994; 74 FR 36378, July 22, 2009; 76 FR 7690, Feb. 11, 2011]

**Subpart 903.7—Voiding and Rescinding Contracts**

**903.700 Scope of subpart.**

The HCA is the designee for determining whether to void or rescind a contract. This authority is nondelegable.

[76 FR 7690, Feb. 11, 2011]

**Subpart 903.9—Whistleblower Protections for Contractor Employees**

SOURCE: 65 FR 81005, Dec. 22, 2000, unless otherwise noted.

**903.900 Scope of subpart.**

This subpart implements the DOE Contractor Employee Protection Program as set forth at 10 CFR part 708.