remedy commensurate with the severity and effect of the violation.  
(f) If the HCA determines that urgent and compelling circumstances justify an award, or award is otherwise in the interests of the Government, the HCA, in accordance with agency procedures, may authorize the contracting officer to award the contract or execute the contract modification after notifying the agency head.  
(g) The HCA may delegate his or her authority under this subsection to an individual at least one organizational level above the contracting officer and of General Officer, Flag, Senior Executive Service, or equivalent rank.

3.102 Criminal and civil penalties, and further administrative remedies.  
Criminal and civil penalties, and administrative remedies, may apply to conduct that violates 41 U.S.C. chapter 21 (see 3.104–3). See 33.102(f) for special rules regarding bid protests. See 3.104–7 for administrative remedies relating to contracts.  
(a) An official who knowingly fails to comply with the requirements of 3.104–3 is subject to the penalties and administrative action set forth in 41 U.S.C. 2105.  
(b) An offeror who engages in employment discussion with an official subject to the restrictions of 3.104–3, knowing that the official has not complied with 3.104–3(c)(1), is subject to the criminal, civil, or administrative penalties set forth in 41 U.S.C. 2105.  
(c) An official who refuses to terminate employment discussions (see 3.104–5) may be subject to agency administrative actions under 5 CFR 2635.604(d) if the official’s disqualification from participation in a particular procurement interferes substantially with the individual’s ability to perform assigned duties.

3.103 Reporting suspected violations of the Gratuities clause.  
Agency personnel shall report suspected violations of the Gratuities clause to the contracting officer or other designated official in accordance with agency procedures. The agency reporting procedures shall be published as an implementation of this section 3.203 and shall clearly specify—  
(a) What to report and how to report it; and  
(b) The channels through which reports must pass, including the function and authority of each official designated to review them.

3.104–9 Contract clauses.  
In solicitations and contracts for other than commercial items that exceed the simplified acquisition threshold, insert the clauses at—  
(a) 52.203–8, Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity; and  
(b) 52.203–10, Price or Fee Adjustment for Illegal or Improper Activity.

3.204 Treatment of violations.  
(a) Before taking any action against a contractor, the agency head or a designee shall determine, after notice and hearing under agency procedures, whether the contractor, its agent, or another representative, under a contract containing the Gratuities clause—