

**Pt. 803****48 CFR Ch. 8 (10-1-24 Edition)**

*small business concern* defined in FAR 2.101, except that for acquisitions authorized by 38 U.S.C. 8127 and 8128 for the Veterans First Contracting Program, these businesses must be listed as verified in the VIP database. SDVOSBs, including businesses whose SDVOSB status derive from ownership and control by a surviving spouse, are also considered VOSBs, as long as they are listed as eligible in VIP.

*Veterans First Contracting Program* means the program authorized by Public Law 109-461 (38 U.S.C. 8127 and 8128), as implemented in subpart 819.70. This program applies to all VA contracts (see FAR 2.101 for the definition of contracts) as well as Blanket Purchase Agreements (BPAs), Basic Ordering Agreements (BOAs), and orders against the Federal Supply Schedules (FSS), unless otherwise excluded by law.

*VISN* means Veterans Integrated Service Network, an integrated network of VA facilities that are focused on pooling and aligning resources to best meet local needs in the most cost-effective manner and provide greater access to care.

[73 FR 2717, Jan. 15, 2008, as amended at 74 FR 64629, Dec. 8, 2009; 83 FR 16208, Apr. 16, 2018; 85 FR 60074, Sept. 24, 2020; 86 FR 54403, Oct. 1, 2021; 87 FR 63002, Nov. 17, 2022; 87 FR 70748, Nov. 21, 2022; 88 FR 4744, Jan. 25, 2023]

**PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST****Subpart 803.1 [Reserved]****Subpart 803.2—Contractor Gratuities to Government Personnel**

Sec.

803.203 Reporting suspected violations of the Gratuities clause.

803.204 Treatment of violations.

**Subparts 803.3—803.4 [Reserved]****Subpart 803.5—Other Improper Business Practices**

803.570 Commercial advertising.

803.570-1 Policy.

803.570-2 Contract clause.

**Subparts 803.6—803.8 [Reserved]****Subpart 803.11—Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions**

803.1103 Procedures.

**Subpart 803.70 [Reserved]**

AUTHORITY: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301-1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

**Subpart 803.1 [Reserved]****Subpart 803.2—Contractor Gratuities to Government Personnel****803.203 Reporting suspected violations of the Gratuities clause.**

(a) Any VA employee must report a suspected violation of the Gratuities clause to the contracting officer or a higher level VA official.

(b) The report must identify the contractor and the personnel involved, provide a summary of the pertinent evidence and circumstances that indicate a violation, and include any other available supporting documentation.

(c) The contracting officer or higher level official must supplement the file with appropriate information and promptly forward the report to the DSPE, with copies to the VA Office of the Inspector General and the Assistant Secretary for Management.

**803.204 Treatment of violations.**

In providing the notice and hearing required by FAR 3.204, the following applies—

(a) The SDO shall determine whether or not a violation of the Gratuities clause, 52.203-3 has occurred and what action will be taken under FAR 3.204(c).

(c) When the SDO determines that a violation has occurred and that debarment is being considered, he or she shall follow procedures at 809.406-3.

[83 FR 16208, Apr. 16, 2018]

**Subparts 803.3—803.4 [Reserved]**

**Department of Veterans Affairs****804.1902****Subpart 803.5—Other Improper Business Practices****803.570 Commercial advertising.****803.570-1 Policy.**

VA policy prohibits contractors from making references in its commercial advertising to VA contracts in a manner that states or implies the Government approves or endorses the product or service or considers it superior to other products or services. The intent of this policy is to preclude the appearance of bias toward any product or service.

[83 FR 16208, Apr. 16, 2018]

**803.570-2 Contract clause.**

The contracting officer shall insert the clause at 852.203-70, Commercial advertising, in solicitations and contracts expected to equal or exceed the micro-purchase threshold.

**Subparts 803.6—803.8 [Reserved]****Subpart 803.11—Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions****803.1103 Procedures.**

(a) By use of the contract clause at 52.203-16, Preventing Personal Conflicts of Interest, the contracting officer shall require each contractor whose employees perform acquisition functions closely associated with inherently Governmental functions to obtain from each covered employee a signed non-disclosure agreement to prohibit disclosure of non-public information accessed through performance of a Government contract. See FAR 3.1103(a)(2)(iii).

[83 FR 16208, Apr. 16, 2018]

**Subpart 803.70 [Reserved]****PART 804—ADMINISTRATIVE AND INFORMATION MATTERS****Subpart 804.1 [Reserved]****Subpart 804.13—Personal Identity Verification****Sec.**

804.1303 Contract clause.

**Subpart 804.19—Basic Safeguarding of Covered Contractor Information Systems**

804.1900-70 Scope of this subpart.

804.1902 Applicability.

804.1970 Information security policy—contractor general responsibilities.

804.1903 Contract clause.

AUTHORITY: 38 U.S.C. 5723–5724, 5725(a)–(c); 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

**Subpart 804.1 [Reserved]****Subpart 804.13—Personal Identity Verification****804.1303 Contract clause.**

The contracting officer shall insert the clause at 852.204-70, Personal Identity Verification of Contractor Personnel, in solicitations and contracts that require contractor employees to have routine access to a VA facility or to VA information systems. This clause is used in conjunction with FAR clause 52.204-9, Personal Identity Verification of Contractor Personnel.

[85 FR 36349, June 16, 2020]

**Subpart 804.19—Basic Safeguarding of Covered Contractor Information Systems**

SOURCE: 88 FR 4745, Jan. 25, 2023, unless otherwise noted.

**804.1900-70 Scope of this subpart.**

This subpart prescribes policies and procedures for information security and protection of VA information, information systems, and VA sensitive information, including sensitive personal information.

**804.1902 Applicability.**

This subpart applies to all VA acquisitions, including acquisitions of commercial products or commercial services other than commercially available off-the-shelf items, when a contractor's