

Service Area Office - East

PROCUREMENT INTEGRITY

Point of Use Assessment and Installation PreProposal Conference



**Cindy Showers
Contracting Officer
PCO East – St Louis**



Topics

- **Restrictions on Disclosing and Obtaining Procurement Information**
- **Protecting and Marking Procurement Information**
- **Actions Required for Non-Federal Employment Contacts**
- **Post-Federal Employment Restrictions**
- **Other Statutes**
- **Penalties**



Restrictions on Disclosing and Obtaining Information

(FAR 3.104-3(a) &(b))

- **A person must not, other than as provided by law, knowingly disclose or obtain contractor bid or proposal or source selection information before the award of a Federal agency procurement contract to which the information relates.**





Protecting and Marking Information

- **Protecting Information (FAR 3.104-4(b))**
- **Contractor Bid or proposal information or source selection information must be protected from unauthorized disclosure.**
- **Marking Information (FAR 3.104-4(c))**
- **Individuals responsible for preparing material that may be source selection information must mark the cover page and each page that the individual believes contains source selection information with the legend “Source Selection Information – See FAR 2.101 and 3.104.”**



Actions Required for Non-Federal Employment Contacts

- **Anyone Participating Personally and Substantially (FAR 3.104-1)**
 - **Active and significant involvement of an official in any of the following activities directly related to that procurement**
 - **Drafting, reviewing, or approving the specification or statement of work for the procurement**
 - **Preparing or developing the solicitation**
 - **Evaluating bids or proposals**
 - **Negotiating price or terms and conditions of the contract**
 - **Reviewing and approving the award of the contract**



Penalties

- **Procurement Integrity Act - Criminal Behavior (41 USC 423(e); 18 USC 216; and FAR 3.104-8))**
- **Any person disclosing and obtaining procurement information for the purpose of either-**
- **Exchanging information for anything of value, or**
- **Obtaining or giving to anyone a competitive advantage in the award of a Federal agency contract.**
- **A restricted official who knowingly fails to –**
- **Report the contact; and**
- **Reject the non-Federal employment; or**
- **Disqualify himself or herself from further substantial or personal participation.**



Penalties Cont'd

- **Criminal Penalties**

- **Up to 5 years imprisonment; and/or**

- **Fine**

- **Civil Penalties**

- **Up to \$50,000 (\$500,000 for an organization) for each violation plus twice the amount of compensation which the individual (or organization) received or offered for the prohibited conduct. he SAO East Staff Assistance Visit Program**

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Questions...

Questions



VETERANS HEALTH ADMINISTRATION

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Integrity – Commitment – Advocacy – Respect – Excellence