

(3) Understanding of new department-wide or government-wide initiatives (e.g., E-Procurement).

(4) Government-wide procedures established by the Office of Management and Budget.

(d) HCAs are responsible for ensuring contracting activity compliance with law and regulations through the review and oversight process.

#### **Subpart 2901.7—Determinations and Findings**

##### **2901.707 Signatory authority.**

A class justification for other than full and open competition must be approved in writing by the same approval authority as for individual justifications in accordance with FAR 6.304(a). The approval level must be determined by the estimated total value of the class.

#### **PART 2902—DEFINITIONS OF WORDS AND TERMS**

Sec.

##### **2902.1—Definitions**

2902.101 Definitions.

**Authority:** 5 U.S.C. 301, 40 U.S.C. 486(c).

##### **Subpart 2.1—Definitions**

##### **2902.101 Definitions.**

(a) Commonly used words and terms are defined in FAR Subpart 2.1. This Part 2902 gives DOL-specific meanings for some of these words and terms and defines other words and terms commonly used in the DOL acquisition process.

(b) The following words and terms are used as defined in this subpart unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular part or portion of a part:

**Competition Advocate.** The Competition Advocate for the Department of Labor is appointed by the ASAM and is defined in FAR 6.5 and 2906.5. If the appointee is recused from a procurement action, the ASAM may designate another official to act in that capacity.

**Contracting activity** means an agency or component office within the Department of Labor with specific responsibility for managing contract functions pursuant to one or more warrants signed by the Procurement Executive (or the Office of the Inspector General for its contracting activity).

**Contracting Officer's Technical Representative** means the individual appointed by the contracting officer to represent the Department of Labor's programmatic interests on a Department of Labor contract, task order, or delivery

order. This individual is responsible to the contracting officer for overseeing receipt and acceptance of goods/services by the Government, reporting on the contractor's performance, and approving/disapproving payment to the Contractor. Authority is otherwise limited to giving technical direction to the Contractor within the framework of the contract (see 2901.603–71). This position may go by other titles, such as: A technical point of contact (TPOC), or Contracting Officer's Representative (COR).

**Head of Agency** (also called agency head), for the FAR and DOLAR only, means the Assistant Secretary for Administration and Management; except that, the Secretary of Labor is the head of Agency for acquisition actions which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; the Inspector General is the Head of Agency in all cases for the Office of the Inspector General. Authority to act as the Head of Agency has been delegated to the Assistant Secretary for Employment and Training and the Assistant Secretary for Mine Safety and Health for their respective agencies. For purposes of the Economy Act, (determinations and interagency agreements under FAR 17.5) only, the Employment Benefits Administration, Employment Standards Administration, Women's Bureau, Office of Solicitor, Bureau of Labor Statistics, Office of Disability Employment, and the Occupational Safety and Health Administration are delegated contracting authority.

**Head of Contracting Activity (HCA)** means the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Procurement Executive. In the Department of Labor the following officials are the HCA for their respective organization:

(i) For the Mine Safety and Health Administration, the Director, Administration and Management, MSHA.

(ii) For the Employment and Training Administration, the Director, Office of Grants and Contract Management, ETA.

(iii) For the Office of Inspector General, the Director, Division of Finance and Administration, OIG.

(iv) For the Bureau of Labor Statistics, the Director, Division of Administrative Services, BLS.

(v) For the Office of the Assistant Secretary for Administration and Management and all other agencies not

listed in this definition, the Director, Business Operations Center, OASAM.

**Procurement Executive** means the Director, Business Operations Center, and is synonymous with the term "Senior Procurement Executive" as defined at FAR 2.101.

#### **PART 2903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

##### **Subpart 2903.1—Safeguards**

Sec.

2903.101 Standards of Conduct.

2903.101–1 General.

2903.104 Procurement integrity.

2903.104–3 Definition.

2903.104–5 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

2903.104–7 Violations or possible violations.

##### **Subpart 2903.2—Contractor Gratuities to Government Personnel**

2903.203 Reporting suspected violations of the Gratuities clause.

2903.204 Treatment of violations.

##### **Subpart 2903.6—Contracts With Government Employees or Organizations Owned or Controlled by Them**

2903.601 Policy.

2903.602 Exceptions.

**Authority:** 5 U.S.C. 301, 40 U.S.C. 486(c).

##### **Subpart 2903.1—Safeguards**

##### **2903.101 Standards of conduct.**

##### **2903.101–1 General.**

The statutory prohibitions and their application to DOL personnel are discussed in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635 and the supplemental DOL standards of conduct, 5 CFR Part 5201. All DOL personnel involved in acquisitions must become familiar with these statutory prohibitions. Any questions concerning them must be referred to an Agency Ethics Official in the Office of the Solicitor. In addition to criminal penalties, the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218). Any suspected violations must be reported promptly to the Office of Inspector General.

##### **2903.104 Procurement integrity.**

##### **2903.104–3 Definitions.**

**Agency ethics official** means the Solicitor or the Associate Solicitor for Legislation and Legal Counsel (LLC).