

Subpart 3003.4—Contingent Fees

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Subpart 3003.1—Safeguards**3003.101 Standards of conduct.****3003.101–3 Agency regulations.**

(a) Government-wide and Department of Homeland Security regulations governing the conduct and responsibilities of employees are contained in 5 CFR parts 2635 and 3101, and MD 0480, Ethics/Standards of Conduct.

Subpart 3003.2—Contractor Gratuities to Government Personnel**3003.203 Reporting suspected violations of the Gratuities clause.**

(a) Suspected violations of the Gratuities clause shall be reported to the contracting officer responsible for the acquisition (or the COCO if the contracting officer is suspected of the violation). The contracting officer (or the COCO) shall obtain from the person reporting the violation, and any witnesses to the violation, the following information:

(1) The date, time, and place of the suspected violation;

(2) The name and title (if known) of the individual(s) involved in the violation; and

(3) The details of the violation (e.g., the gratuity offered or intended) to obtain a contract or favorable treatment under a contract.

(4) The person reporting the violation and witnesses (if any) shall be requested to sign and date the information certifying that the information furnished is true and correct.

(b) The contracting officer shall submit the report to the COCO (unless the alleged violation was directly reported to the COCO) and the Head of the Contracting Activity (HCA) for further action. The COCO and HCA will determine, with the advice of OE legal counsel, whether the case warrants submission to the OIG, or other investigatory organization.

3003.204 Treatment of violations.

(a) The HCA is the individual to determine whether a Gratuities clause violation has occurred. If the HCA has been personally and substantially

involved in the specific procurement, the advice of Government legal counsel should be sought to determine whether an alternate decision maker should be designated.

(b) The COCO shall ensure that the hearing procedures required by (FAR) 48 CFR 3.204(b) are afforded to the contractor. Government legal counsel shall be consulted regarding the appropriateness of the hearing procedures that are established.

(c) If the HCA determines that the alleged gratuities violation occurred during the “conduct of an agency procurement” the COCO shall consult with Government legal counsel regarding the approach for appropriate processing of either the Procurement Integrity Act violation or the Gratuities violation.

Subpart 3003.3—Reports Of Suspected Antitrust Violations**3003.301 General.**

(b) The procedures at (HSAR) 48 CFR 3003.203 shall be followed for suspected antitrust violations, except reports of suspected antitrust violations shall be coordinated with legal counsel for referral to the Department of Justice, if deemed appropriate.

Subpart 3003.4—Contingent Fees**3003.405 Misrepresentations or violations of the Covenant Against Contingent Fees.**

(a) The procedures at (HSAR) 48 CFR 3003.203 shall be followed for misrepresentation or violations of the covenant against contingent fees.

(b)(4) The procedures at (HSAR) 48 CFR 3003.203 shall be followed for misrepresentation or violations of the covenant against contingent fees, except reports of misrepresentation or violations of the covenant against contingent fees shall be coordinated with legal counsel for referral to the Department of Justice, if deemed appropriate.

Subpart 3003.5—Other Improper Business Practices**3003.502 Subcontractor kickbacks.****3003.502–2 Subcontractor kickbacks.**

(g) The DHS OIG shall receive the prime contractor or subcontractors written report.

Subpart 3003.9—Whistleblower Protections for Contractor Employees**3003.901 Definitions.**

Authorized official of an agency means the Department of Homeland Security's CPO.

PART 3004—ADMINISTRATIVE MATTERS**Subpart 3004.1—Contract Execution**

Sec.

3004.103 Contract clause.

Subpart 3004.4—Contract Clause

3004.470–4 Contract clause.

Subpart 3004.8—Government Contract Files

3004.804 Closeout of contract files.

3004.804–1 Closeout by the office administering the contract.

3004.804–5 Procedures for closing out contract files.

3004.804–570 Supporting closeout documents.

Subpart 3004.1—Contract Execution**3004.103 Contract clause.**

Insert the clause at (FAR) 48 CFR 52.204–1, Approval of Contract, in each solicitation where approval to award the resulting contract is required above the contracting officer level.

Subpart 3004.4—Contract Clause**3004.470–4 Contract clause.**

The contracting officer shall insert a clause substantially the same as the clause at (HSAR) 48 CFR 3052.204–70, Security Requirements for Unclassified Information Technology Resources, in solicitations and contracts which require submission of an IT Security Plan.

Subpart 3004.8—Government Contract Files**3004.804 Closeout of contract files.****3004.804–1 Closeout by the office administering the contract.**

(b) The quick closeout procedures under (FAR) 48 CFR 42.708 may be used for the settlement of indirect costs under contracts when the estimated amount (excluding any fixed fee) of the contract is \$3 million or less if determined appropriate by the contracting officer.

3004.804–5 Procedures for closing out contract files.**3004.804–570 Supporting closeout documents.**

(a) When applicable and prior to contract closure, the contracting officer shall obtain the listed DHS and Department of Defense (DOD) forms from the contractor for closeout.

(1) DHS Form 0700–03, Contractor's Release (e.g., see (FAR) 48 CFR 52.216–7);

(2) DHS Form 0700–02, Contractor's Assignment of Refunds, Rebates, Credits and Other Amounts (e.g., see (FAR) 48 CFR 52.216–7);