



DEPZ

This document is scheduled to be published in the Federal Register on 01/17/2024 and available online at <https://federalregister.gov/d/2024-00761>, and on <https://govinfo.gov>

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0018; Docket No. 2024-0053; Sequence No. 2]

Information Collection; Federal Acquisition Regulation Part 3: Improper Business Practices and Personal Conflicts of Interest

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning Federal Acquisition Regulation (FAR) part 3, Improper Business Practices and Personal Conflicts of Interest. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on

respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2024. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.]**

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202-501-4755 or GSARegSec@gsa.gov.

Instructions: All items submitted must cite OMB Control No. 9000-0018, Federal Acquisition Regulation Part 3: Improper Business Practices and Personal Conflicts of Interest.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado,
Procurement Analyst, at telephone 202-969-7207, or
zenaida.delgado@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. OMB control number, Title, and any Associated Form(s) :

9000-0018, Federal Acquisition Regulation Part 3: Improper
Business Practices and Personal Conflicts of Interest.

B. Need and Uses

This clearance covers the information that offerors
and contractors must submit to comply with the following
FAR part 3 requirements:

- FAR 52.203-2, Certificate of Independent Price
Determination. This provision requires offerors to include
with their offer a certification that their prices have
been arrived at independently, have not been or will not be
knowingly disclosed, and have not been submitted for the
purpose of restricting competition. Prior to making an
award, a contracting officer will ensure the offeror has
provided the certification. An offer will not be considered
for award where the certificate has been deleted or
modified. Federal agencies will report to the Attorney
General for investigation any deletions or modifications of
the certificate and suspected false certificates.

- FAR 52.203-7, Anti-Kickback Procedures. This
clause requires contractors to report in writing to the
inspector general of the contracting agency, the head of

the contracting agency if the agency does not have an inspector general, or the Attorney General possible violations of 41 U.S.C. chapter 87, Kickbacks. The clause also requires the contractor to notify the contracting officer when monies are withheld from sums owed a subcontractor under the prime contract, when the contracting officer has directed the prime contractor to do so to offset the amount of a kickback. The Federal agency will use the information reported by contractors to investigate suspected violations. The notification to the contracting officer of a withholding of payment to a subcontractor is used to help the contracting officer ensure the amount of a kickback is appropriately offset.

- FAR 52.203-13, Contractor Code of Business Ethics and Conduct. This clause requires contractors and subcontractors to report to the agency Office of the Inspector General when the contractor has credible evidence that a principal, employee, agent, or subcontractor has committed a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in title 18 U.S.C., or a violation of the Civil False Claims Act (31 U.S.C. 3729-3733). The Federal agency will use the information reported by contractors to investigate suspected violations.

- FAR 52.203-16, Preventing Personal Conflicts of

Interest. This clause requires contractors and subcontractors to obtain and maintain from each employee a disclosure of interests that might be affected by the task to which the employee has been assigned under the contract. Contractors and subcontractors must report to the contracting officer any personal conflict of interest violation by an employee and the proposed corrective/follow-up actions to be taken. In exceptional circumstances, the contractor may request the head of the contracting activity approve a plan to mitigate a personal conflict of interest or waive the requirement to prevent personal conflicts of interest. The information is used by the contractor and the contracting officer to identify and mitigate personal conflicts of interest.

C. Annual Burden

Respondents: 9,642.

Recordkeepers: 9,147.

Total Annual Responses: 352,296.

Total Burden Hours: 677,460. (128,640 reporting hours + 548,820 recordkeeping hours)

OBTAINING COPIES: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202-501-4755 or emailing GSAREgSec@gsa.gov. Please cite OMB Control No. 9000-0018, Federal Acquisition Regulation Part 3: Improper Business Practices and Personal Conflicts of Interest.

Janet Fry,

Director,

Federal Acquisition Policy Division,

Office of Governmentwide Acquisition Policy,

Office of Acquisition Policy,

Office of Governmentwide Policy.

BILLING CODE: 6820-EP

[FR Doc. 2024-00761 Filed: 1/16/2024 8:45 am; Publication Date: 1/17/2024]