

CIRCULAR

DATE: August 15, 2011

DISCLOSURE OF PROCUREMENT INFORMATION

Review Date: August 15, 2014

1.0 PURPOSE AND SCOPE

This circular establishes the policy and responsibilities for releasing or disclosing procurement information within and outside of the Bureau of Engraving and Printing (Bureau). It applies to all Bureau personnel, particularly personnel responsible for the collection and administration of procurement information to include the Office of Acquisition, Contracting Officer's Technical Representatives (COTRs), Office Chiefs, managers, and any other personnel who have access to procurement information.

2.0 POLICY

This policy is written in accordance with the Federal Acquisition Regulation (FAR) as it relates to the prohibition on disclosing and obtaining procurement information, and places no additional obligations on Bureau personnel beyond the existing body of Federal Regulations and US law. [Section 3.104-3](#) of the FAR explicitly discusses statutory and related prohibitions, restrictions and requirements. It is Bureau policy to ensure the integrity of the procurement process. Bureau personnel, with access to procurement information, are prohibited from knowingly disclosing contractor bid, proposal, and source selection information prior to the award of a Bureau procurement contract.

- 2.1 In addition, Bureau personnel without a need to know are prohibited from seeking or obtaining contractor bid, proposal, or source selection information before or after Bureau award of a contract. Information after award of a contract may not be released to the public without a formal Freedom of Information Act (FOIA) request, except as authorized by this policy.
- 2.2 Releasing or attempting to release procurement data without authorization is a violation of Bureau policy. Personnel found in violation of this policy will be reported to the Office of Acquisition Chief, who will report the breach to the violator's Office Chief. If the individual found in violation is an Office Chief, the report will be made to the respective Associate Director.
- 2.3 All personnel are to refrain from seeking procurement information prior to award of a particular procurement contract. Individuals who wish to obtain procurement information must first seek the authorization of the Chief, Office of Acquisition. Violations of this policy must be immediately reported to the Chief, Office of Acquisition.

3.0 SUPERSESSION

This circular supersedes Circular No. 70-06.14, "Disclosure of Procurement Information," dated May 26, 2006.

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4.0 REFERENCES

- 4.1 "Office of Procurement Policy Act," [41 United States Code \(USC\), Section 423](#).
- 4.2 "Freedom of Information Act," [5 USC, Section 552, Exemption 4](#).
- 4.3 General Services Administration (GSA), Federal Acquisition Regulation (FAR) [3.104-4](#), [14.401](#), and [15.207](#), March 2005.

5.0 BACKGROUND

The Office of Federal Procurement Policy Act prohibits both the release or disclosure of procurement information and the obtaining of such information by former and present Government employees; and any other persons who do not have a need to know as authorized by law. Disclosure of procurement information can undermine the integrity of the procurement process, and can result in protests of the Bureau's procurement actions.

6.0 DEFINITIONS

- 6.1 Procurement Information - Contractor bid, proposal, quote or source selection information in the custody or control of the Bureau or Bureau representative.
- 6.2 Contractor Bid or Proposal Information - Any of the following information submitted to the Bureau as part of, or in connection with, a bid or proposal to enter into a Bureau procurement contract:
 - Cost or pricing data;
 - Indirect costs and direct labor rates;
 - Proprietary information about manufacturing processes, operations or techniques marked by the contractor in accordance with applicable law or regulations; and
 - Information marked by the contractor as "contractor bid or proposal information" in accordance with applicable law or regulation.
- 6.3 Source Selection Information - Any of the following information prepared for use by the Bureau (or any other agency) for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available or disclosed to the public:
 - Bid prices submitted in response to a Bureau solicitation for sealed bids, or a list of those prices before bid opening;
 - Proposed costs or prices submitted in response to a Bureau solicitation, or lists of those proposed costs or prices;
 - Source selection plans;
 - Technical evaluation plans;
 - Technical evaluations of proposals;
 - Cost or price evaluations of proposals;
 - Competitive range determinations;

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- Rankings of bids, proposals, or competitors;
 - Reports or evaluations of source selection panels, boards, or advisory councils; and
 - Other information marked as “source selection information”.

6.4 Need-to-know – Bureau personnel requiring access to certain information necessary to facilitate the performance of his or her official duties.

6.4.1 Individuals designated as having a need-to-know for the purpose of this circular are as follows: Office of Acquisition’s Chief, Contracting Officers officially assigned to the Office of Acquisition, Contract Specialists, Legal Counsel advising the Contracting Officers, Contracting Officer’s Technical Representatives (COTR), members of Technical Evaluation Teams and their supervisory chain upon determination that the need-to-know exists. Members of Congress, the Comptroller General, the Government Accountability Office, and the Inspector General may request procurement information from the Bureau. Disclosure to these entities must be coordinated through the Chief, Office of Acquisition and the Office of the Chief Counsel. For individuals other than the Bureau officials identified above, extending access to procurement data will be determined on a case-by-case basis.

7.0 RESPONSIBILITIES

7.1 The Office of Acquisition is the Bureau entity with primary responsibility for controlling the flow and disclosure of procurement information. The Office of Acquisition will ensure that procurement information is treated confidentially, and not released without a need to know.

7.2 Contracting Officers, Contract Specialists, Technical Evaluation Team members, and COTR personnel must ensure that they protect procurement information from disclosure to those who do not have a need-to-know.

7.3 Office Chiefs and Associate Directors will determine appropriate disciplinary and/or administrative action for violations of policies identified in this circular. Violations of the FAR and/or the Procurement Integrity Act will be reviewed by the appropriate Bureau officials, referred to the Office of the Inspector General, and could result in criminal charges or civil actions against the individual(s).

8.0 OFFICE OF PRIMARY RESPONSIBILITY

Office of Acquisition.

<SIGNED>
Larry R. Felix
Director