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"ICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

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DP/CPA

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (RESEARCH,
DEVELOPMENT AND ACQUISITION)
ASSISTANT SECRETARY OF THE NAVY (RESEARCH,
DEVELOPMENT AND ACQUISITION)
ASSISTANT SECRETARY OF THE AIR FORCE
(Acquisition)
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT : Conflict of Interest Requirements

The Department of Defense Inspector General **recently** issued a draft report (Organizational and Consultant Conflicts of Interest, **3CH-5012**) which determined that DoD contracting officers are not fully complying with Federal Acquisition Regulation (FAR) organization and consultant **conflict** of interest policies and procedures as set forth in FAR Subpart **9.5**.

Of particular concern were findings that a high percentage of contracting officers were not including the appropriate conflict of interest clauses required by FAR 9.507 in solicitations and were not obtaining required certifications from contractors. I request that you reemphasize the conditions for use of the FAR clauses relating to Organizational Conflicts of Interest - Marketing Consultants (FAR **52.209-7**) and Organizational Conflicts of Interest - Advisory and Assistance **Services** (FAR **52.209-8**) . In addition, contracting officers should be reminded of the requirement to obtain organizational conflict of interest certificates (FAR 52.209-7(b) and **52.209-8(b)**) from the apparent successful offeror Prior to contract award.

I would like the requirements of FAR **9.5** to be made a special interest item in future Procurement Management Reviews. My point of contact for this matter is Mr. Steve **Slavsky**, 703-697-8335.

Eleanor R. Spector
Director, Defense Procurement

OPTIONAL FORM 99(7.90)

Mc Hale

FAX TRANSMITTAL

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