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CONTROL OVER SENSITIVE BUSINESS INFORMATION  
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CONTROL OVER SENSITIVE BUSINESS INFORMATION  
General

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1. GENERAL

1.1 Introduction. "Sensitive Business Information" is defined as material about a recent, current or prospective Bureau acquisition which has not been released to the public and release of which would either jeopardize the Bureau's negotiating position with a prospective contractor, or would be in violation of Federal Acquisition Regulations, or would cause embarrassment to the Department or the Bureau.

1.2 Applicability. This defined information or material could be in the form of a contractor's proposal; the Contracting Officer's negotiation plan; any evaluation of any proposal; or, the relative standing of any proposer in a competitive acquisition that is to be negotiated .

A. Other examples might include, but not be limited to, the nature of any solicited or unsolicited proposal while in the proposal stage; the content of Acquisition Plans (AP); the content of Acquisition Requests (AR); or potential future buys (prior to the release of issuance of a Synopsis in the Commerce Business Daily, Request for Proposal (RFP) or Invitation For Bids (IFB); or, offhand comments about a firm's pricing policies or financial and management capabilities. In private industry, this type of information would be titled "Company Secret" or "Company Confidential."

B. Bureau Contracting Officers and their staffs should review prior releases in 19 BIAM that provide relevant policies, procedures, and guidelines on this issue, viz. Supplements 3, 4, 6, 7, and 26. In addition, appropriate Subparts of the Federal and the Interior Acquisition Regulations should be consulted, where indicated.

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CONTROL OVER SENSITIVE BUSINESS INFORMATION  
Policy

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2. POLICY

2.1 General. An optimum degree of care is necessary in the handling and processing of sensitive business information during the acquisition process. When dealing with sensitive material, Contracting Officers and their staffs should decide whether a particular individual — Bureau employee or not — really needs to know the information; and, if the information is divulged, is there a possibility that the information will become public knowledge in such a way as to cause difficulties in acquisition management. In most cases, members of the negotiation team — especially those Bureau employees outside the contracting activity — do not need to know the full evaluation and negotiation plan.

2.2 Timeliness. Most of the sensitive material discussed in this instruction is not sensitive thirty (30) days after an applicable contract award. Supplement 31 does not require that any special markings be affixed to any paper or file. What is required is an awareness of the problem, and the exercise of personnel and administrative caution commensurate with the potential gravity of the situation.

A. All sensitive material will be safeguarded during the period of its sensitivity in accordance with the implications of its release. All data and information similar to that listed in paragraphs 1.1 and 1.2 above will be stored overnight in a locked cabinet accessible only to the Contracting Officer and her or his immediate staff.

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CONTROL OVER SENSITIVE BUSINESS INFORMATION  
Procedure

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3. PROCEDURE

3.1 General. Each Contracting Officer in charge of a Bureau contracting activity will require each employee under her or his supervision to periodically review this (and related) instruction(s). A "clean desk" policy will apply and proper controls will be instituted to ensure that visitors do not have access to sensitive material in the course of a visit, either during or outside of regular working hours. All acquisition employees shall avoid telephone calls and other extraneous conversation related to acquisition information when visitors are present.

A. Particular attention is to be paid to oral communications with offerors or current contractors regarding Bureau acquisition plans and activities. Contracting Officers shall review those pertinent supplements cited in paragraph 1.2B periodically with their staff members. Employees of Bureau programs serviced by a contracting activity shall be provided copies of this and related supplement(s).