



UNITED STATES MARINE CORPS
MARINE CORPS COMBAT DEVELOPMENT COMMAND
QUANTICO, VIRGINIA 22134-5001

MCCDCO 4290.2A
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25 JUL 2002

MARINE CORPS COMBAT DEVELOPMENT COMMAND ORDER 4290.2A

From: Commanding General
To: Distribution List

Subj: COMMUNICATIONS WITH CONTRACTORS AND OTHER NON-GOVERNMENT
PERSONNEL AND RELEASE OF ACQUISITION INFORMATION

Ref: (a) Office of Federal Procurement Policy Act, Sec. 27,
41 U.S.C. 423, as amended
(b) FAR 3.104
(c) FAR 3.104-3
(d) FAR 3.104-5

Encl: (1) DoD Rule on Release of Acquisition Related Information
32 C.F.R. Sections 286h.1-286h.3
(2) Statement of Limitation of Authority

1. Purpose. To provide guidance on the procedures and policy governing communications with contractors and other non-government personnel and the release of acquisition information.

2. Cancellation. MCCDCO 4290.2.

3. Summary of Revision. This Revision has been updated to comply with the above statutes and regulations and should be reviewed in its entirety.

4. Background

a. General. Due to the intense competition for government contracts and existing contractors' desires for constant information on performance of their contracts, government personnel are subject to frequent requests from non-government personnel for contract information both before and after award. In this environment, government personnel must be especially cautious when communicating with the private sector to avoid constructive changes and the unauthorized release of proprietary or source selection information (SSI). Contractor past performance has, to a large degree, been incorporated as an evaluation factor in solicitations. Accordingly, release of performance information to requesters of such data should be coordinated with the pertinent contracting officer. Past or current performance information is largely used as reference material and should not be disclosed absent the coordination with and authorization from the pertinent contracting officer.

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b. Disclosing or Obtaining Contractor Bid or Proposal, Source Selection, or Acquisition Information

(1) Before Award. The "Procurement Integrity" laws, reference (a), are implemented in the Federal Acquisition Regulation (FAR) by reference (b). Reference (a) prohibits all persons from knowingly disclosing during the conduct of a procurement (i.e., before award) any proprietary (bid or proposal information) or SSI to any unauthorized person. Reference (a) also prohibits an unauthorized person from knowingly obtaining contractor bid proposal information or SSI before award. The penalty for violation of this prohibition is imprisonment of up to 5 years and/or a maximum fine of \$50,000 for each violation, plus twice the amount of compensation which the individual received or offered for the prohibited conduct.

(2) At Any Stage of the Procurement. DoD policy on the release of acquisition information to the public is set forth in enclosure (1). The policy, in addition to including the procurement integrity prohibitions on the unauthorized release of SSI and proprietary information prior to award, identifies additional information for which release is restricted at any stage of a procurement. In particular, enclosure (1) prohibits the disclosure of documents that disclose the government's negotiating position (e.g., pre-negotiation business clearances and cost estimates) and prohibits disclosure outside DoD of planning, programming, and budgetary system (PPBS) documents and supporting data. PPBS information sets forth the details of proposed programs and plans. See enclosure (1) for a list of PPBS data, which includes program objective memorandum documents, program review proposals, and program budget decisions.

(3) General Guidance. Whenever a request for release of acquisition information is received before award, both reference (b) and enclosure (1) should be consulted. Enclosure (1) augments reference (b) by identifying additional types of information (not necessarily included in reference (b) definition of SSI) which is not releasable before award. For requests received after award, only enclosure (1) is relevant.

(4) Freedom of Information Act (FOIA). If a formal request for acquisition information is made pursuant to the FOIA, the request shall be promptly handled per FOIA requirements. Pursuant to guidance in paragraph 4b(3) above, reference (b) and/or enclosure (1) should be consulted to determine the releasability of the requested agency record. If the FOIA request is made prior to award for agency records which are SSI or proprietary information, Exemption 3 of the FOIA shall be invoked to withhold release of the information. Exemption 3 covers records that contain information specifically exempted from disclosure by statute.

c. Constructive Changes. Almost all government contracts contain a change clause. One of the major uses of this clause is to serve as the basis for the settlement of claims for extra work performed during the course of a contract. When a contractor performs work beyond that which is required by a contract without a formal change order and it is determined that the work was informally ordered by the government, or caused by government fault, a constructive change has occurred entitling the contractor to additional compensation under the change clause. All personnel should be aware of the possibility of creating a "constructive change" through inadvertent or misunderstood actions, conduct, or statements. The possibility of such claims and their effect on the command's budget make it essential to avoid the circumstances giving rise to constructive change claims.

5. Policy

a. Communications with Contractors

(1) General. It is recognized that technical or other considerations may require communication with contractors to ensure that the government's contractual requirements are met and enforced. However, no person other than a duly-appointed contracting officer, acting within the scope of his/her authority, is authorized to modify a contract. Discussions with contractors concerning the terms and conditions of a contract must be conducted by a contracting officer or his/her official designee. "Terms and Conditions" include, among other things, delivery schedules, specifications, prices, engineering data, and quantities required. Such discussions by persons other than contracting officers could constitute a constructive change by the government, unless a statement regarding the individual's limitation of authority is made at the opening of discussions. Government personnel, other than contracting officers, participating in meetings, conferences, or discussions with a contractor should state that they have no authority to change the contract, or enter into a contract, and that any contract or contract change will be executed only by the contracting officer in writing. Enclosure (2) is a statement which may be used for this purpose.

(2) Oral Communications. Whenever possible, communications with a contractor regarding the terms and conditions of a contract shall be in writing. When oral communications affecting the scope or provisions of a contract are essential or in the government's best interest, the appropriate contracting officer shall be included in the discussions. If contracting personnel cannot be made parties to the discussion, they shall be advised immediately of the matters discussed and any probable consequence of the discussions. At the start of oral communications affecting the scope or provisions of a contract, government personnel must advise the contractor of the limits on their authority.

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(3) Visits/Meetings with Contractors at Commercial or Government Sites. When a meeting or visit is scheduled with a contractor, the contracting officer should be informed of the meeting or visit in advance, and invited to attend. The contractor should be informed that no person other than the contracting officer acting within the scope of his/her authority is authorized to modify a contract. If a contracting officer is not in attendance at the meeting, the discussions should be prefaced with the statement of limitation of authority per paragraph 5a(1) above. If it is determined during the course of the meeting that a change is required and a contracting officer is not present, the contractor must be advised not to proceed under the change until the contractor receives a written modification for the contract from the contracting officer. If the contractor proposes a change, the contractor shall be advised not to proceed and to submit a change request, in writing, to the contracting officer. The government personnel shall immediately advise the contracting officer of any proposed change during the meeting. No later than five working days after the meeting or visit, a report shall be prepared which documents all matters discussed, including findings, recommendations, and areas of disagreement with the contractor. A copy of this report shall be sent to the contracting officer.

(4) Written Communications. Any written communication to a contractor which contractually commits the government, interprets, waives, or changes the terms and conditions of a contract, exercises any government right under a contract such as the right to terminate or to make changes under the "changes" clause, proposes additional contract terms and conditions or otherwise purports to modify a contract, shall be issued only by the appropriate contracting officer.

b. Pre-award Release of Contractor Bid or Proposal and SSI

(1) Access to Contractor Bid Proposal or SSI. A person who is a present or former official or is acting on behalf of the government in a Federal agency procurement and by virtue of that relationship has or had access to contractor bid proposal information or SSI is prohibited from obtaining or disclosing such procurement information, other than as provided by the references and enclosures, before the award of a Federal agency procurement contract to which the information relates. A Federal agency procurement is the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds. Reference (C) provides full definition of this term. Each contract award and each contract modification constitutes a separate procurement action to which the procurement integrity rules apply.

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(2) Contractor Bid or Proposal Information. Contractor bid or proposal information for purposes of the procurement integrity laws is any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

(a) Cost or pricing data;

(b) Indirect costs and direct labor rates;

(c) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor per applicable law or regulation;

(d) Information marked by the contractor as "contractor bid or proposal information" per applicable law or regulation.

(3) SSI. SSI is any of the following information which is prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not previously been made available to the public or disclosed publicly:

(a) Bid prices submitted in response to a Federal agency invitation for bids, or lists of those bid prices before bid opening;

(b) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices;

(c) Source selection plans;

(d) Technical evaluation plans;

(e) Technical evaluations of proposals;

(f) Cost or price evaluations of proposals;

(g) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract;

(h) Ranking of bids, proposals, or competitors;

(i) Reports and evaluations of source selection panels, boards, or advisory councils;

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(j) Other information marked as "SOURCE SELECTION INFORMATION--SEE FAR 3.104" based upon a case-by-case determination by the head of the agency or designee, or the contracting officer, that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

(4) List of Persons Authorized Access. For contracts and modifications in excess of \$100,000 the contracting officer must maintain in the contract file, for the particular procurement, a list of all persons authorized access to proprietary data or SSI.

(a) The contracting officer may grant pursuant to reference (d) the following classes of people access to proprietary or SSI on a "need-to-know" basis for each procurement in which they are involved:

1 All individuals who reviewed or signed the procurement request;

2 The contracting officer, negotiator, and the associated chain-of command;

3 The legal advisor and the associated chain of command;

4 The Defense Contract Audit Agency;

5 The contract administration office representative and his/her chain of command;

6 The Competition Advocate General and his/her chain of command;

7 Government clerical personnel.

(b) The names of all individuals within a class shall be identified to the maximum extent practicable.

(c) The contracting officer shall include the names of the following categories of individuals in the contract file even if they fall into one of the above classes:

1 All individuals reviewing or signing the source selection plan;

2 All individuals involved in establishing the evaluation approach;

3 The Source Selection Authority;

4 Members of, and advisors to, proposal evaluation bodies; i.e., the source selection advisory council, source selection evaluation board, contract award review panel, and the technical evaluation review panel.

(d) The above lists are not all-inclusive. The contracting officer must list all other individuals and classes who have been authorized access to proprietary data or SSI. In addition, the requiring directorate or program manager shall furnish to the contracts directorate the names of persons not included above who should be given access to proprietary data or SSI on a "need-to-know" basis.

(5) Support Service Contractors. When contractor support services personnel are acting on behalf of or providing advice to the government in regard to a procurement, they may be granted access to proprietary data or SSI on a "need-to-know" basis by the contracting officer, but each individual person, including clerical personnel, must be listed by name in the contract file and execute nondisclosure agreements as appropriate.

(6) Duty to Inquire. If, during a Federal agency procurement, a person receives a request from a contractor or other non-governmental source for acquisition-related information, he/she should not release the information unless the requester has been authorized access to the information. Per reference (d), if the person does not know whether the requested information is proprietary or SSI, or does not know whether the requester has been authorized access, an inquiry in good faith of the contracting officer (or, if a contracting officer has not been appointed, the CG or his/her designee) shall be made as to whether the information requested is proprietary or SSI, or whether the source seeking the information has been authorized access to such information. There is no violation of reference (a) if a person makes such an inquiry and is advised either that the information was not bid proposal information, SSI, or the requester has been authorized access to such information by the commander or contracting officer.

C. Release of Acquisition Information at Any Stage in the Procurement

(1) General Policy and Procedures. Enclosure (1) sets forth uniform DoD policy and procedures on dissemination of, and access to, acquisition information at any time (both before and after award). All personnel must comply with enclosure (1) in the handling of requests from non-government sources for acquisition information.

(2) Former or Retired Government Civilian or Military Personnel. Individuals may receive requests for information from former or retired government civilian or military personnel that now work for contractors. It must be emphasized that former government

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personnel are not entitled to any special treatment and their requests must be handled in the same manner as requests from other non-government sources.

6. The Role of Contracting Officer Representative (COR)

a. Whenever appropriate, the contracting officer may delegate, per DFARS 201.602-70, specific duties to a COR.

b. The COR is appointed after contract award and, thus, has no authority to release any proprietary source selection or acquisition information prior to award of a contract, delivery order or modification.

c. The COR is not authorized to make any changes or commitments that will affect price, quality, quantity, delivery, and any other terms or conditions of the contract.

7. Action

a. All division directors shall ensure the widest dissemination of and full compliance with this Order.

b. Office of Counsel, MCCDC/MCB, Quantico, shall be consulted regarding any questions concerning the provisions of this Order, communications with non-government personnel, or release of acquisition information. In all cases where there is doubt about the propriety of release of acquisition information, persons shall not release the information until legal counsel has determined that the release is authorized under law and regulation.

8. Applicability. This Order is applicable to MCCDC/MCB, Quantico and to all MCB, Quantico tenants serviced by the Northeastern Regional Contracting Office.

9. Concurrence. This Order was coordinated with and concurred on by the CG MCB.


DANIEL P. O'BRIEN
Chief of Staff

DISTRIBUTION: INTERNET

MCCDCO 4290.2A
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DOD RULE ON RELEASE OF ACQUISITION RELATED INFORMATION
32 C.F.R. SECTIONS 286H.1-286H.3

[Code of Federal Regulations]
[Title 32, Volume 2]
[Revised as of July 1, 2001]
From the U.S. Government Printing Office via GPO Access
[CITE: **32CFR286h.1**]

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TITLE 32--NATIONAL DEFENSE

CHAPTER I--OFFICE OF THE SECRETARY OF DEFENSE (CONTINUED)

PART 286h--RELEASE OF ACQUISITION-RELATED INFORMATION--Table of Contents

Sec. 286h.1 Purpose

This part sets forth Department of Defense (DoD) policy for the release of acquisition-related information.

ENCLOSURE (1)

MCCDCO 4290.211

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[Code of Federal Regulations]

[Title 32, Volume **2**]

[Revised as of July 1, 2001]

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TITLE 32--NATIONAL DEFENSE

CHAPTER I--OFFICE OF THE SECRETARY OF DEFENSE (CONTINUED)

PART 286h--RELEASE OF ACQUISITION-RELATED INFORMATION--Table of Contents

Sec. 28611.2 Applicability and Scope.

(a) This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman, Joint Chiefs of Staff and Joint Staff (CJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components."

(b) This part is issued pursuant to section 822 of Public Law 101-189, which requires the Department of Defense to prescribe a single uniform regulation for dissemination of, and access to, acquisition information.

ENCLOSURE (1)

[Code of Federal Regulations]
[Title 32, Volume 2]
[Revised as of July 1, 2001]
From the U.S. Government Printing Office via GPO Access
[CITE: 32CFR286h.3]

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TITLE 32--NATIONAL DEFENSE

CHAPTER I--OFFICE OF THE SECRETARY OF DEFENSE (CONTINUED)

PART 286h--RELEASE OF ACQUISITION-RELATED INFORMATION--Table of Contents

Sec. 28611.3 Policy

(a) General. It is the Department of Defense's policy to make the maximum amount of acquisition-related information available to the public, and to respond promptly to specific requests from the public for such information, except for the information identified in paragraph (b) of this section, for which release is restricted.

(b) Information for which release is restricted. The information identified below may be released only as set forth herein.

(1) Release subject to statutory restrictions. This information may be released only in per the applicable statutory requirements. Once the statutory requirements have been satisfied, the information may be released unless it falls within one of the categories described in the following paragraphs, in which case the policies governing release of information within those categories shall be followed.

(2) Classified information. (i) Any information or material, regardless of its physical form or characteristics, that is owned by, produced by or for, or under the control of the United States Government, and which, for national security purposes, must be protected against unauthorized disclosure and is so designated or marked with the appropriate classification.

(ii) Release, access, and dissemination of classified information shall be made through existing security channels in accordance with DoD 5220.22-R;\1\ DoD 5220.22-M;\2\ and DoD 5200.1-R,\3\ which are implementing publications for safeguarding classified information release, access, and dissemination to United States and foreign concerns.

\1\ Copies may be obtained, at cost, from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161.

\2\ Copies may be obtained, at cost, from the Government Printing Office, ATTN: Superintendent of Documents, Washington, DC 20402.

\3\ See footnote 1 to Sec. 286h.3(b)(2)(ii).

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(3) Contractor bid or proposal information. (i) This is information prepared by or on behalf of an offeror and submitted to the Government as a part of or in support of the offeror's bid or proposal to enter into a contract with the Government, the disclosure of which would place the offeror at a competitive disadvantage or jeopardize the integrity or the successful completion of the procurement. Contractor bid or proposal information includes cost or pricing data, profit data, overhead and direct labor rates, and manufacturing processes and techniques. Contractor bid or proposal information does not include information that is available to the public.

(ii)(A) Sealed bids. (1) Prior to bid opening, no release or disclosure of contractor bid information shall be made to anyone other than those who are involved in the evaluation of the

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bids or to other individuals authorized by the Head of the DoD Component, or his or her designee.

(2) After contract award, contractor bid information may be released or disclosed by those authorized by the Head of the DoD Component, or his or her designee, to make such release or disclosure, if the information to be released or disclosed is not subject to a restrictive legend authorized by Federal Acquisition Regulation (FAR) 52.215-12 or release is not otherwise restricted by law.

(3) Negotiated procurements. Prior to contract award, no release or disclosure of contractor proposal information shall be made to anyone other than those who are involved in the evaluation of the proposals or the source selection or to other individuals authorized by the Head of the DoD Component, or his or her designee. DoD Components shall adopt procedures in accordance with FAR 15.413 to protect against release or disclosure of contractor proposal information. After contract award, contractor proposal information may be released or disclosed by those authorized by the Head of the DoD Component, or his or her designee, to make such release or disclosure, if the information to be released or disclosed is not subject to a restrictive legend authorized by FAR 15.509 or FAR 52.215-12 or release is not otherwise restricted by law.

(4) Source selection information. (i) This is information prepared or developed for use by the Government in connection with the selection of a bid or proposal for the award of a contract. Only the following information, including copies or extracts thereof, is source selection information:

(A) Bid prices submitted in response to a Government solicitation for sealed bids or lists of such bid prices (applicable prior to bid opening only);

(B) Proposed costs or prices submitted in response to a Government solicitation prior to award of the contract, a list of proposed costs or prices;

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- (C) Source selection plans;
- (D) Technical evaluation plans;
- (E) Technical evaluations of competing proposals;
- (F) Cost or price evaluations of competing proposals;
- (G) Competitive range determinations;
- (H) Rankings of competitors;
- (I) The reports and evaluations or source selection boards, advisory councils, or the source selection authority (SSA); and
- (J) Any other information which:
 - (1) If disclosed, would give an offeror a competitive advantage or jeopardize the integrity or successful completion of the procurement; and
 - (2) Is marked with the legend "Source Selection Information."
 - (ii) Release of or access to source selection information (SSI)--
 - (A) Access to SSI. The SSA (including the contracting officer when the contracting officer is the SSA) shall restrict access to source selection information to only those Government employees directly involved in the source selection process or to those individuals who have been authorized by the Head of the DoD Component, or his or her designee, to have access to such information. If the contracting officer or the SSA have not been appointed, the Head of the DoD Component, or his or her designee, shall assure access to such information is properly restricted. Employees supervising or managing employees directly involved in the source selection process are not themselves by virtue of their positions directly involved in the source selection process.
 - (B) Release of SSI--(1) Prior to contract award. Source selection information shall not be released prior to contract award unless the Head of the DoD Component, or his or her designee, determines that release is in the public interest and would not jeopardize the integrity or successful completion of the procurement. The information to be released shall only be released by the contracting officer. The contracting officer shall make release in a manner that does not provide any potential offeror with a competitive advantage.
 - (2) After contract award. The need to protect source selection information generally ends with contract award. The contracting officer may release, or authorize the release of, any source selection information related to that contract award except: Source selection information specifically developed or prepared for use with more than one

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solicitation when there is a continuing need to protect that information; unless otherwise permitted by law, source selection information containing contractor data or extracts thereof which are protected by law; information which would reveal the relative merits or technical standing of the competitors or the evaluation scoring; and any pre-decisional or other information not subject to. release

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under the Freedom of Information Act. Debriefings to unsuccessful offerors shall be conducted in accordance with FAR 15.1003 and Defense Federal Acquisition Regulation Supplement (DFARS) 215.1003(a).

(5) Planning, programming, and budgetary information. (i) Planning, Programming, and Budgeting System (PPBS) documents and supporting data bases are not to be disclosed outside the Department of Defense (DoD) and other governmental agencies directly involved in the defense planning and resource allocation process (e.g., the Office of Management and Budget). PPBS papers and associated data set forth the details of proposed programs and plans. Access to this material by those not directly involved in the PPBS process undermines the confidentiality necessary for the Secretary and Deputy Secretary to obtain candid advice on the content of the defense program. Also, access to PPBS information by private firms seeking contracts with the Department may pose ethical, even criminal, problems for those involved and reduce effective competition in the contract awards process.

(ii)(A) Requests for exceptions to this limitation may be granted on a case-by-case basis to meet compelling needs, after coordination with the Office of General Counsel, by the Head of the OSD office responsible for the PPBS phase to which the document or data base pertains; the Under Secretary of Defense (Policy) for the planning phase; the Assistant Secretary of Defense (Program Analysis and Evaluation) for programming; and the Comptroller, DoD for budgeting. A list of the current major documents and databases for each PPBS phase is in paragraph (B)(5)(11)(C) of this section; all other PPBS materials are also controlled under this policy.

(B) Disclosure of PPBS information to Congress and the General Accounting Office (GAO) is covered by statute and other procedures.

(C) Major PPBS Documents and Data Bases by Phase.

Planning Phase

(1) Defense Planning Guidance.

Programming Phase

(2) Fiscal Guidance (when separate from Defense Planning Guidance);

(3) Program Objective Memoranda (POM);

(4) POM Defense Program (formerly FYDP) documents (POM Defense Program, Procurement Annex, RDT&E Annex);

(5) Program Review Proposals;

(6) Issue Papers (aka, Major Issue Papers, Tier II Issue Papers, Cover Briefs);

(7) Proposed Military Department Program Reductions (or Program Offsets);

(8) Tentative Issue Decision Memoranda;

(9) Program Decision Memoranda;

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Budgeting Phase

- (10) Defense Program (formerly FYDP) documents for September and President's Budget Estimate submissions including Defense Program Procurement, RDT&E and Construction Annexes;
- (11) Classified P-1, R-1 and C-1;
- (12) Program Budget Decisions/Defense Management Review Decisions;
- (13) Reports Generated by the Automated Budget Review System (BRS);
- (14) DD Form 1414 Base for Programming;
- (15) DD Form 1416 Report of Programs;
- (16) Contract Award Reports;
- (17) Congressional Data Sheets.
- (iii) Contractor requests for information contained in the National Military Strategy Document (including annexes) and the Chairman's Program Assessment Document (including annexes and comments) shall be forwarded to the CJCS who shall determine on a case-by-case basis what information, if any, is releasable to the contractor.

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(6) Documents that disclose the Government's negotiating position. Documents that would disclose the government's negotiating position (such as pre-negotiation business clearances and positions and government cost estimates) or would adversely impact the government negotiating strategy shall not be released.

(7) Drafts and working papers. Drafts and working papers that would otherwise be releasable under paragraph 286h.3(a) shall not be released where their release would inhibit the development of agency positions, jeopardize the free exchange of information that is part of the deliberative process, or compromise the decision-making process.

(c) Freedom of Information Act. Where a request for information, the release of which is restricted under paragraph 286h.3(b) is made under the Freedom of Information Act, the request shall be forwarded to the appropriate official for disposition in accordance with DoD 5400.7-R.\4\Requests for contractor bid or proposal information pursuant to the Freedom of Information Act shall be subject to subparagraph 5-207 a. of DoD 5400.7-R, which requires notice to a non-United States Government source of a record.

\4\ See footnote 1 to Sec. 286h.3(b)(2)(ii).

ENCLOSURE (1)

STATEMENT OF LIMITATION OF AUTHORITY

I am not the contracting officer and nothing said during this discussion should be construed as directing work or performance under any existing or possible future contracts. No information exchanged or recommendations made during this discussion should be acted upon until the appropriate officials, including the contracting officer, have come to a binding agreement at which time you will receive a written change order/contract signed by the contracting officer.

ENCLOSURE (2)