

3.601 Policy.

(a) Except as specified in [3.602](#), a *contracting officer shall* not knowingly award a contract to a Government employee or to a business concern or other organization owned or substantially owned or controlled by one or more Government employees. This policy is intended to avoid any conflict of interest that might arise between the employees' interests and their Government duties, and to avoid the appearance of favoritism or preferential treatment by the Government toward its employees.

(b) For purposes of this subpart, special Government employees (as defined in [18 U.S.C. 202](#)) performing services as experts, advisors, or consultants, or as members of advisory committees, are not considered Government employees unless-

- (1) The contract arises directly out of the individual's activity as a special Government employee;
- (2) In the individual's capacity as a special Government employee, the individual is in a position to influence the award of the contract; or
- (3) Another conflict of interest is determined to exist.

Parent topic: [Subpart 3.6 - Contracts with Government Employees or Organizations Owned or Controlled by Them](#)