

## 3.909-2 Representation by the offeror.

(a) In order to be eligible for contract award, an *offeror must* represent that it will not require its employees or *subcontractors* to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or *subcontractors* from lawfully reporting waste, fraud, or abuse related to the performance of a Government contract to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (e.g., agency Office of the *Inspector General*). Any *offeror* that does not so represent is *ineligible* for award of a contract.

(b) The *contracting officer may* rely on an *offeror's* representation unless the *contracting officer* has reason to question the representation.

**Parent topic:** 3.909 Prohibition on providing funds to an entity that requires certain internal confidentiality agreements or statements.