

3.909-3 Solicitation provision and contract clause.

When using funding subject to the prohibitions in [3.909-1\(a\)](#), the *contracting officer shall*-

(a)

(1) Include the provision at [52.203-18](#), Prohibition on *Contracting* with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation, in all *solicitations*, except as provided in paragraph (a)(2) of this section; and

(2) Do not insert the provision in *solicitations* for a *personal services contract* with an individual if the services are to be performed entirely by the individual, rather than by an employee of the contractor or a *subcontractor*.

(b)

(1) Include the clause at [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements, in all *solicitations* and resultant contracts, other than *personal services contracts* with individuals.

(2) Modify existing contracts, other than *personal services contracts* with individuals, to include the clause before obligating FY 2015 or subsequent FY funds that are subject to the same prohibition on internal confidentiality agreements or statements.

Parent topic: [3.909 Prohibition on providing funds to an entity that requires certain internal confidentiality agreements or statements.](#)