

## 7.302 Policy.

(a) The Circular provides that it is the policy of the Government to-

- (1) Perform inherently governmental activities with Government personnel; and
- (2) Subject commercial activities to the forces of competition.

(b) As provided in the Circular, agencies *shall*-

- (1) Not use contractors to perform inherently governmental activities;
  - (2) Conduct public-private competitions in accordance with the provisions of the Circular and, as applicable, these regulations;
  - (3) Give appropriate consideration relative to cost when making performance decisions between agency and contractor performance in public-private competitions;
  - (4) Consider the Agency Tender Official an interested party in accordance with [31 U.S.C. 3551 to 3553](#) for purposes of filing a protest at the Government Accountability Office; and
  - (5) Hear contests in accordance with OMB Circular A-76, Attachment B, Paragraph F.
- (c) When using sealed bidding in public-private competitions under OMB Circular A-76, *contracting officers shall* not hold discussions to correct deficiencies.

**Parent topic:** [Subpart 7.3 - Contractor Versus Government Performance](#)