

## 3.103-2 Evaluating the certification.

### (a) *Evaluation guidelines.*

(1) None of the following, in and of itself, constitutes "disclosure" as it is used in paragraph (a)(2) of the Certificate of Independent Price Determination (hereafter, the certificate):

(i) The fact that a firm has published price lists, rates, or tariffs covering items being acquired by the Government.

(ii) The fact that a firm has informed prospective customers of proposed or pending publication of new or revised price lists for items being acquired by the Government.

(iii) The fact that a firm has sold the same items to commercial customers at the same prices being offered to the Government.

(iv) Participating in a *reverse auction* (see [subpart 17.8](#)).

(2) For the purpose of paragraph (b)(2) of the certificate, an individual *may* use a blanket authorization to act as an agent for the person(s) responsible for determining the offered prices if-

(i) The proposed contract to which the certificate applies is clearly within the scope of the authorization; and

(ii) The person giving the authorization is the person within the *offeror's* organization who is responsible for determining the prices being offered at the time the certification is made in the particular *offer*.

(3) If an *offer* is submitted jointly by two or more concerns, the certification provided by the representative of each concern applies only to the activities of that concern.

### (b) Rejection of *offers* suspected of being collusive.

(1) If the *offeror* deleted or modified paragraph (a)(1) or (3) or paragraph (b) of the certificate, the *contracting officer shall* reject the *offeror's* bid or proposal.

(2) If the *offeror* deleted or modified paragraph (a)(2) of the certificate, the *offeror must* have furnished with its *offer* a signed statement of the circumstances of the disclosure of prices contained in the bid or proposal. The chief of the *contracting office shall* review the altered certificate and the statement and *shall* determine, *in writing*, whether the disclosure was made for the purpose or had the effect of restricting competition. If the determination is positive, the bid or proposal *shall* be rejected; if it is negative, the bid or proposal *shall* be considered for award.

(3) Whenever an *offer* is rejected under paragraph (b)(1) or (2) of this section, or the certificate is suspected of being false, the *contracting officer shall* report the situation to the Attorney General in accordance with [3.303](#).

(4) The determination made under paragraph (2) of this section *shall* not prevent or inhibit the prosecution of any criminal or civil actions involving the occurrences or transactions to which the certificate relates.

**Parent topic:** [3.103 Independent pricing.](#)