

COMPANY LOGO	Policy Number: #	Date: Date
	Policy Name: Mandatory Disclosure	Rev: #
	Approver: Name	Function: Name

OVERVIEW

This policy is to establish the process by which **Company** will comply with the Mandatory Disclosure requirements established by the Federal Acquisition Regulation (FAR). The Mandatory Disclosure Rule, as it is commonly known, requires contractors to timely disclose to U.S. Government officials credible evidence of violations of federal criminal law involving fraud, conflict of interest, bribery, or gratuities as found in Title 18 of the U.S. Code, violations of the civil False Claims Act, and significant overpayments.

Key Terms

Principals – Key **Company** officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity.

Covered Contract – A U.S. Government contract (or subcontract under a U.S. Government contract) awarded to **Company** or any of its subsidiaries exceeding \$5 million and performance period of 120 days.

Possible Disclosable Violation – As indicated in FAR 9.406.2(b)(1)(vi), FAR 9.407-2(a)(8) or FAR 52.203-13(b)(3)(i), an alleged, actual or suspected incident, occurrence or event that may give rise to a mandatory disclosure that involves credible evidence of:

- a. Violations of Federal criminal law involving fraud, conflict of interest, bribery or gratuity violations found in Title 18 of the U.S. Code
- b. Violations of the Civil False Claims Act
- c. A significant overpayment (other than those payments as defined in FAR Part 32.001)

POLICY

All **Company** employees, consultants and agents are expected to conduct all company business in full compliance with the **Company** Code of Conduct.

Internal Disclosure

Per the **Company** Code of Conduct, all employees are required to report concerns about possible violations of the Code, company policy, or laws and regulations. Everyone, including Principals, must internally disclose a Possible Disclosable Violation to the Legal Department.

Mandatory Disclosure

Upon becoming aware of a Possible Disclosable Violation, the Legal Department is responsible for investigating the matter, understanding the concern, and evaluating whether a disclosure is warranted. The Legal Department has overall responsibility for evaluating the **Company**'s obligation to make a timely disclosure where there is credible evidence of a Possible Disclosable Violation. Neither case law nor regulations define "credible evidence." This nuanced analysis is left to the Legal Department. The Legal Department shall consult with subject matter experts or others as necessary in order to determine if a disclosure to the Government should be made.

Before any disclosure is made under this policy, it shall first be marked or identified as **Company** Confidential Sensitive Information.

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All subcontracts that fall under a covered contract shall include language that requires subcontractors to comply with the FAR mandatory disclosure requirements as indicated under FAR 9.406-2(b)(1)(vi), FAR 9.407-2(a)(8) and FAR 52.203-13(b)(3)(i).

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