

Employee Non-Disclosure Agreement for Participation in a Competitive Sourcing/A-76 Competition

1. In the course of participating as a team member in support of a Competitive Sourcing/A-76 Competition, I may be given access to or entrusted with sensitive government data. Such data may be identified as Proprietary as stated in 41 U.S.C. Section 423, subject to the Procurement Integrity Act restrictive legend as stated in FAR 52.215-1 (e), or may be identified as Source Selection Information as stated in FAR 3.104.3.¹ Such data may be associated with the development of the Government's Agency Tender for a given competitive sourcing project. These data include all data, information and software, regardless of the medium, e.g. electronic or paper, and/or format in which the data exist, and includes data that are derived from Source Selection and/or Proprietary Data (*collectively referred to herein as "the data"*).
2. As a condition to receiving access to the data, I agree not to discuss with, disclose, release, reproduce or otherwise provide or make available the data, or any portion thereof, to any other government or non-government employee, person, or organization unless that other employee, person, or organization has signed a non-disclosure statement authorized by the Agency Tender Official (ATO). Furthermore, I agree to adhere to all safeguards established for the data and to use the data solely for the purpose of performing my role in support of the Agency Tender while under this non-disclosure requirement. If I have any questions about the non-disclosure, I shall present those questions to the ATO.
3. I agree that my obligation to not use, discuss, disclose, release, reproduce, or otherwise provide or make available the procurement data or information will extend until the information is made publicly available. This means that upon a tentative decision, all employees will be freed of the non-disclosure requirements for publicly disclosed information and data except for such proprietary or procurement-sensitive information that cannot be released or disclosed by Federal statute, law, or regulation.
4. I understand that any other use, disclosure, release or reproduction of the data is unauthorized and may result in disciplinary actions. I freely and willingly sign this document, fully understanding its contents.

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1. "Contractor bid or proposal information" means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:
 - (1) Cost or pricing data (*as defined by 10 U.S.C. 2306a(h)*) with respect to procurements subject to that section, and section 304A(h) of the Federal Property and Administrative Services Act of 1949 (*41 U.S.C. 254b(h)*), with respect to procurements subject to that section. (2) Indirect costs and direct labor rates. (3) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation. (4) Information marked by the contractor as "contractor bid or proposal information" in accordance with applicable law or regulation. (5) Information marked in accordance with 52.215-1(e).

Employee Acknowledgement

Printed name	Position
Signature	Date
Project manager signature	Date