

TMA Procedures, Guidance, and Information (PGI)

TMA PGI 203 – IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTERESTS

(Revised May 21, 2012)

203.1 – Safeguards

203.104 - Procedures

- (1) TRICARE Acquisition Directive 03-01 establishes Non-Disclosure Agreement (NDA) policy for TRICARE Management Activity (TMA), including the use of TMA Form 821, TMA Source Selection Non-Disclosure Agreement and the TMA Contractor Non-Disclosure Agreement.
- (2) Overview - An NDA is a formal agreement in which one party agrees to give sensitive information to a second party, and the second party agrees not to share that information with anyone else. More specifically, TMA uses the TMA Form 821 as a tool to inform individuals of the trust that is placed in them by providing them access to source selection information. Additionally, the form lists the responsibilities concerning the protection of source selection information from unauthorized disclosure and the consequences that may result from their failure to meet those responsibilities.
- (3) The Contracting Officer (CO) shall coordinate with the Source Selection Authority (SSA) to collect all completed and signed TMA Form 821s.
- (4) If the SSA determines an individual has a valid TMA Form 821 on file, the CO shall check the TMA Form 821 central repository and -
 - a. Send the TMA Form 821 to the SSA; or
 - b. Inform the SSA that the TMA Form 821 has expired.
- (5) The CO is responsible for updating the TMA Form 821 central repository, after he/she has collected all completed and signed TMA Form 821s from the SSA, by submitting electronic copies thereof to the repository custodian identified to the CO by the Contract Policy and Pricing Branch, of the Acquisition Policy and Compliance Division.
- (6) The TMA Form 821 central repository will be located on the TMA-Aurora Policy and Pricing Office Shared Drive under the NDA main folder. The repository custodian shall -
 - a. Save electronic copies of all completed and signed TMA Form 821s by last name, first name, and date signed. For example – Doe, John 10/01/11;
 - b. Insert electronic copies of all completed and signed TMA Form 821s for TMA Government personnel into the “Government” NDA sub-folder;

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- c. Insert electronic copies of all completed and signed TMA Form 821s for TMA contractor personnel into the “Contractor” NDA sub-folder;
 - d. Replace expired TMA Form 821s when new ones are saved for the same individual;
 - e. Delete TMA Form 821s that have been expired for more than one year;
- (7) COs shall ensure all contractors sign the TMA Contractor Non-Disclosure Agreement upon contract award and before beginning any work on the respective contract.
- (8) As applicable, the CO will document the contract file with –
- a. Completed and signed TMA Form 821s; and
 - b. Completed and signed TMA Contractor Non-Disclosure Agreements.