



TRICARE
MANAGEMENT
ACTIVITY

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS
SKYLINE FIVE, SUITE 810, 5111 LEESBURG PIKE
Falls Church, Virginia 22041-3206**

TRICARE ACQUISITION DIRECTIVE

**TAD 03-01, Rev 000
March 7, 2012**

SUBJECT: NON-DISCLOSURE AGREEMENT

References: (a) TRICARE Acquisition Policy Letter No. 001, "TMA Form 821, Non-Disclosure Statement," June 23, 2005 (hereby rescinded)
(b) Federal Acquisition Regulation, Subpart 2.101, "Definitions," current edition
(c) Federal Acquisition Regulation, Subpart 3.104, "Procurement Integrity," current edition
(d) Director, Defense Procurement and Acquisition Policy Memorandum, "Department of Defense Source Selection Procedures," March 4, 2011

1. PURPOSE. This TRICARE Acquisition Directive (TAD) establishes TRICARE Management Activity (TMA) policy for the use of Non-Disclosure Agreements to protect proprietary and confidential information. Additionally, this Directive rescinds Reference (a), and mandates the use of Enclosure 1, TMA Form 821 ("TMA Source Selection Non-Disclosure Agreement"), and Enclosure 2, TMA Contractor Non-Disclosure Agreement.
2. APPLICABILITY. This TAD applies to all members of the TMA acquisition workforce that participate in the procurement of supplies and/or services under the authority of the Head of the Contracting Activity.
3. POLICY. It is TMA policy that:
 - 3.1 All TMA contractor personnel who will obtain access to proprietary or confidential information shall be required to complete and sign a TMA Contractor Non-Disclosure Agreement prior to beginning work on the subject contract.
 - 3.2 All TMA Government and contractor personnel shall be required to complete and sign the TMA Source Selection Non-Disclosure Agreement prior to obtaining or disclosing source selection information, as defined in Reference (b).
 - 3.2.1 For Government personnel, the TMA Source Selection Non-Disclosure Agreement will remain valid for one year upon signature and will allow access to source selection information in the performance of their official duties throughout

the period of validity, whether or not they participate as part of a source selection team; and

- 3.2.2 For contractor personnel, the TMA Source Selection Non-Disclosure Agreement will remain valid only for the duration and purpose of supporting the solicitation identified on the signed form.

4. RESPONSIBILITIES.

4.1 Source Selection Authority. The Source Selection Authority shall, in accordance with Reference (c) and (d), obtain a completed and signed Source Selection Non-Disclosure Agreement from all TMA Government and contractor personnel who receive, or are furnished access to source selection information.

4.2 Contracting Officers. Contracting Officers shall:

4.2.1 Insert the TMA Contractor Non-Disclosure Agreement into all solicitations and contracts when it may be necessary, in the performance of the work, for contractors to obtain access to proprietary or confidential information.

4.2.2 Obtain all TMA Contractor Non-Disclosure Agreements from the Source Selection Authority and maintain them in the respective contract file.

4.2.3 For all completed and signed TMA Source Selection Non-Disclosure Agreements, collect and maintain them in the respective solicitation file and any resulting contract file, and submit a copy for storage in a central repository.

4.3 Contracts Policy and Pricing Branch (CP&PB). The CP&PB of the Acquisition Policy and Compliance Division, shall be responsible for maintaining the Source Selection Non-Disclosure Agreement central repository.

5. EFFECTIVE DATE. This TAD is effective immediately.



Michael P. Fischetti
Director, Acquisition Management and Support

Enclosure(s)

- E.1 TMA Form 821, Source Selection Non-Disclosure Agreement
- E.2 TMA Contractor Non-Disclosure Agreement