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## **3.909-3 Solicitation provision and contract clause.**

When using funding subject to the prohibitions in [3.909-1\(a\)](#), the contracting officer shall-

(a)

(1) Include the provision at [52.203-18](#), Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation, in all solicitations, except as provided in paragraph (a)(2) of this section; and

(2) Do not insert the provision in solicitations for a personal services contract with an individual if the services are to be performed entirely by the individual, rather than by an employee of the contractor or a subcontractor.

(b)

(1) Include the clause at [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements, in all solicitations and resultant contracts, other than personal services contracts with individuals.

(2) Modify existing contracts, other than personal services contracts with individuals, to include the clause before obligating FY 2015 or subsequent FY funds that are subject to the same prohibition on internal confidentiality agreements or statements.

**Parent topic:** [3.909 Prohibition on providing funds to an entity that requires certain internal confidentiality agreements or statements.](#)