



TRICARE  
MANAGEMENT ACTIVITY

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
HEALTH AFFAIRS**

16401 East Centretch Parkway  
Aurora, Colorado 80011-9043

**TRICARE ACQUISITION PRACTICE (TAP)**

**TAP 03-01, Rev. 000  
1 November 2007**

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**SUBJECT: RELEASE OF CONTRACT DOCUMENTS, DATA, AND INFORMATION  
TO THIRD PARTY ENTITIES**

**Reference:** [Department of Defense \(DoD\) Directive \(DoDD\) 5400.7, DoD Freedom of Information Act \(FOIA\) Program](#)  
[DoDD 5230.9, Clearance of DoD Information for Public Release](#)  
[Federal Acquisition Regulation \(FAR\) 3.104, Procurement Integrity](#)

**1. PURPOSE:**

To establish policy and responsibilities for the release of contract documents, data, and information to third party entities.

**2. APPLICABILITY:**

This TAP applies to all TRICARE Management Activity (TMA) personnel and functional areas involved in acquisitions through Acquisition Management and Support (AM&S) who could receive a request for, or be required to provide, contract documents, data, or information to a non-Government entity. It provides for the review and approval by which TMA ensures the control, quality, and integrity of information released and protects information that based on statute, regulation, or policy, cannot be disseminated to individuals or entities without a need-to-know.

**3. DEFINITIONS:**

3.1 Freedom of Information Act (FOIA) Request – means a written request for DoD records made by any person, including a member of the public, an organization, or a business.

3.2 Source Selection Data – means information related to the acquisition decision-making process (including the decision itself) for an award of a contract to industry. Information is generally only sensitive before formal award of the contract. Such information must be

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protected from disclosure outside the Government and limited within the Government to individuals with a need-to-know.

## **4. RESPONSIBILITIES:**

4.1. The Chief, Health Plan Operations (CHPO) or his/her designated representative, is the TMA point of contact for receipt, approval, and disapproval of all non-FOIA requests for contract information.

4.2 TRICARE Acquisition Directorate (TAD), AM&S, and the Policy and Pricing Office (P&PO), are responsible for:

4.2.1. Proper coordination among TMA Aurora offices (Office of General Counsel (OGC), Operations, etc.) if required, to include any review and approval by the Director, AM&S and/or the Deputy Chief, TAD, prior to releasing the information.

4.2.2. Reviewing the request to determine if any of the information is proprietary to the contractor, is considered Source Selection Sensitive, or is subject to other restrictions such as For Official Use Only (FOUO).

4.2.3. The overall coordination of requests.

4.2.4. The establishment of a formal tracking system.

4.2.5. Ensuring the appropriate Non-Disclosure Agreements have been signed by all required personnel who will have access to the information.

## **5. PROCEDURES:**

5.1. Pursuant to law, certain types of information require protection from public disclosure. The FOIA provides guidance regarding categories of information that are exempt from mandatory release under the FOIA (see references). Dissemination of information may also be restricted under other laws, regulations, or policy. Those requests specifically citing FOIA should be forwarded to the TMA FOIA Officer.

5.2. All other requests for contract documents, data, or information should be forwarded in writing to the CHPO, who will forward the request to P&PO for coordination, compilation, review and dissemination of the requested information.

5.3. Information considered source selection sensitive, contractor proprietary, or having other restrictions preventing the release of the information, are subject to Procuring Contracting Officer review, and approval.

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5.4. Any dispute arising from a decision to provide or not provide the requested information will be resolved by the CHPO, with the Deputy Chief, TAD, the Director, AM&S, and OGC support as necessary.

5.5 P&PO will prepare a memorandum for record identifying:

5.5.1. The specific data released.

5.5.2. The date of release.

5.5.3. To whom the data was released.

5.5.4. The circumstances under which the data was released.

5.5.5. The intended use of the data.

5.5.6. The Non-Disclosure Statements were signed and received.

5.6. P&PO will not release any data until ensuring the appropriate Non-Disclosure Agreements have been signed by the party or parties receiving the requested contract documents, data, or information.

5.7. The memorandum for record will be placed in the affected contract files.

  
John W. Meeker  
Director, Acquisition Management and Support

## ENCLOSURES

None