

3.401 Definitions.

As used in this subpart-

Bona fide agency means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert *improper influence* to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through *improper influence*.

Bona fide employee means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert *improper influence* to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through *improper influence*.

Contingent fee means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

Improper influence means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

Parent topic: [Subpart 3.4 - Contingent Fees](#)