

# ***U P District Headquarters Pre-Proposal Meeting***

***(These slides are presented as a training tool for information only.  
The solicitation documents govern in the event of a discrepancy.)***



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**BUILDING STRONG®**

# Contracting with the USA



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# Introduction /Overview

1. Guiding Principles of the United States Acquisition System
2. Gratuities
3. Kickbacks and Gifts
4. United States Law
5. Contracting Authority
6. Changes
7. Payment to Workers



# Guiding Principles

## FAR 1.1.02

- The Federal Acquisition Regulations [FAR] are written to ensure, among other things, that the USA conducts business with
  - ▶ Integrity
  - ▶ Fairness, and
  - ▶ Openness



# United States Law

1. US Government employees cannot disclose bid, proposal or source selection information.
2. US Government employees must disclose employment offers from a contractor bidding for a competitive contract above \$100,000.
3. Former US Government employees cannot accept compensation from a contractor for one year after a contract is awarded to the contractor if the employee helped select the contractor for the award.



# Gratuities

## FAR 52.203-3

1. In general, it is illegal for US Government employees to request or accept gifts of any kind from Contractors or Contractor personnel.
2. The contract may be terminated if the Contractor, its agent, or another representative offered or gave a gratuity (e.g., an entertainment or gift) to an officer, official, or employee of the US Government intending to obtain favorable treatment under a contract.

**Contractors have a Duty to Report Possible Violations**



# Gifts and Kickbacks

## FAR 52.203-7

Contractors are Prohibited From . . .

- a. Providing or offering to provide any thing of value (“kickback”) for favorable treatment from a prime or subcontractor;
- b. Soliciting, accepting, or attempting to accept any kickback; or
- c. Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States.

**Contractors have a Duty to Report Possible Violations**



# Contracting Authority

## FAR 1.602

1. A Contracting Officer is the only person authorized to bind the US Government
2. An Administrative Contracting Officer (ACO) or Contracting Officer's Representative (COR) has specific limited authority to administer contracts in accordance with the FAR and regulations.
3. All others . . . None



# Changes

1. What is a change to the contract?
  - A condition or requirement that is different from what you agreed to perform
2. Who can authorize?
  - Only the Contracting Officer
3. What do you do if you think a contract change has occurred or been directed?
  - Tell the Contracting Officer in writing.



# Payment to Workers

- FAR Clause 52.232-5 requires certification that all requested payments are for performance in accordance with the contract
- Clause entitled “Compliance With Laws and Regulations” requires compliance with Afghan Law
- Chapter 5 of Afghan Labor Law requires workers to be paid weekly, bi-monthly or monthly and may not be delayed from one month to the next
- If payments to workers are not made in accordance with Afghan law, payment to contractors may be withheld

