

24 November 2009

Legal Services

Contractor Identification

For the Commander:

BYRON S. BAGBY
Major General, US Army
Chief of Staff

Official:



DWAYNE J. VIERGUTZ
Chief, Army in Europe
Document Management

Summary. This regulation prescribes policy and procedures for identifying contractors.

Applicability. This regulation applies to USAREUR, IMCOM-Europe, and their subordinate organizations.

Supplementation. Organizations will not supplement this regulation without Judge Advocate (JA), USAREUR (AEAJA-KFLD), approval.

Forms. AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the USAREUR JA (AEAJA-KFLD, DSN 370-6569). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR JA (AEAJA-KFLD), Unit 29351, APO AE 09014-9351.

Distribution. B (AEPUBS).

CONTENTS

1. Purpose
 2. References
 3. Explanation of Abbreviations
 4. General
 5. Responsibilities
 6. Compliance
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1. PURPOSE

This regulation prescribes policy and procedures for identifying contracting personnel who work for the U.S. Army in Europe.

2. REFERENCES

- a. Federal Acquisition Regulation (<http://www.arnet.gov/far>).
- b. AR 25-400-2, The Army Records Information Management System (ARIMS).
- c. DA Form 2028, Recommended Changes to Publications and Blank Forms.

3. EXPLANATION OF ABBREVIATIONS

FAR	Federal Acquisition Regulation
HQ USAREUR	Headquarters, United States Army Europe
IMCOM-Europe	United States Army Installation Management Command, Europe Region
JA	Judge Advocate, United States Army Europe
U.S.	United States
USAREUR	United States Army Europe

4. GENERAL

Government contractors are a force multiplier for the U.S. Army. Critical to providing specialized supplies and services on the battlefield and throughout the Army, contractors are part of the Army team. This close working relationship can sometimes make it hard to tell who works for a contractor and who works for the U.S. Government. This can result in—

- a. Giving contractors access to protected information and information about new Government procurements. Revealing this type of information to contractors can have a serious effect on the integrity of the procurement process.
- b. Allowing contractors to make major policy decisions. By law, only Government personnel may make major policy decisions. Contractors should provide technical advice to decision-makers, but decision-makers may not delegate decision-making to contractors. This requirement is especially important to ensure contractors are prohibited from helping the U.S. Government make major decisions or policy, or develop requirements for procurements.

5. RESPONSIBILITIES

To avoid the problems described in paragraphs 4a and b, leaders will use the policy in the Federal Acquisition Regulation (FAR), paragraph 37.114(c), to ensure that—

a. Contractors—

(1) Identify themselves as contractors or take other actions to ensure that, when attending meetings on behalf of their organization, meeting participants do not mistake them for Government personnel. Contractors will identify themselves as soon as the meeting begins.

(2) Clearly identify themselves as contractor employees when they answer Government telephones and in other oral or written communications with Government personnel.

(3) Clearly indicate that their written and electronic products were contractor-produced or indicate how much participation by contractor personnel was involved in creating them. This identification may not be necessary if, in the judgment of the supported agency, no harm can come from failing to identify the product as contractor-produced.

(4) Provide each of their employees an easily readable identification badge. The badge must include the employee's name, the contractor's company name, the functional area of assignment, and a recent color photograph of the employee. Companies with U.S. Government contracts will require their employees to wear these badges visibly when performing work at Government workplaces unless this would be impractical because of mission or safety considerations.

b. U.S. Government employers—

(1) Protect Government acquisition information from disclosure to contractors not authorized under a Government contract to view the information and to contractors who have not signed and filed appropriate nondisclosure agreements with a contracting officer or other appropriate Government official.

(2) Include the requirement to comply with this regulation in contractor statements of work and provide copies of this regulation to contractor personnel.

(3) Ensure that Government e-mail accounts provided to contractor personnel clearly identify the account-holder as a contractor. Organizations must coordinate e-mail account information with the USAREUR G6 (AEAIM-TBO), DSN 370-6758.

(4) Enforce compliance with the measures set forth in the FAR and a(1) through (4) above.

6. COMPLIANCE

Compliance with this regulation is critical to furthering the Army's outstanding relationship with contractors and to ensuring the U.S. Army complies with the decision-making processes required by law. Commanders and staff principals are responsible for enforcing the policy in this regulation.