



DEPARTMENT OF THE ARMY
UNITED STATES ARMY EUROPE
UNIT 29351
APO AE 09014-9351

AEJA-KF

18 April 2018

MEMORANDUM FOR HQ USAREUR Staff Principals, Commanders of USAREUR Major Subordinate Commands, and Commands under USAREUR Operational Control

SUBJECT: USAREUR Policy on Meeting with Non-Federal Entities that are Contractors or Lobbyists (AE Cmd Memo 2018-030)

1. References. [Enclosure 1](#) lists the references.

2. Purpose. The purpose of this memorandum is to establish USAREUR policy and procedures for meeting with non-Federal entities (NFEs) that are contractors or lobbyists, while maintaining compliance with Federal ethics and contracting rules. This policy does not apply to routine meetings with contractors that are required as part of the normal performance of ongoing contracts or contract actions.

3. Policy. USAREUR personnel will conduct themselves with the highest ethical standards when interacting with NFEs.

a. All similarly situated NFEs must receive equal treatment. USAREUR personnel must be willing to meet with all other similarly situated NFEs seeking a meeting to ensure complete impartiality and prevent the appearance of preferential treatment in the conduct of USAREUR business. USAREUR personnel shall strictly avoid any conflict of interest or even the appearance of a conflict of interest in USAREUR-NFE relationships.

b. USAREUR personnel shall not give a competitive advantage to a particular contractor or NFE by releasing "inside information" that is not otherwise available to the public. Any USAREUR briefing given shall contain only information readily available to the general public.

c. There must be no VIP treatment given to representatives of NFEs regardless of any former status or position when they are meeting with USAREUR personnel to discuss NFE business (for example, no rides from the airport in Government vehicles; no all-day escorts; no officially hosted free dining).

d. USAREUR personnel must make no commitments regarding the acquisition of offered goods and services including the disposition of unsolicited contract proposals (UPs) by vendors.

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e. Contractor discussions, contractor demonstrations, and other activities that are voluntarily offered as UPs that could benefit this command shall be forwarded to the 409th CSB Principal Assistant Responsible for Contracting (PARC).

f. USAREUR personnel shall not grant meetings with NFEs lobbying for candidates or issues specifically identified with national or State political parties and associated or ancillary organizations or clubs.

g. Before accepting a meeting between USAREUR personnel and an NFE, USAREUR personnel shall submit a meeting proposal to the Secretary of the General Staff (SGS), HQ USAREUR, for coordination and to the Office of the Judge Advocate, HQ USAREUR, for a legal review. [Enclosure 2](#) provides guidance on gathering information before these meetings, legal review requirements, coordination with other directorates, and the conduct of the visit.

h. All subordinate commands are required to notify the CoS, HQ USAREUR, through the SGS (in either memorandum format or an e-mail message) no fewer than 7 days before the visit. Included in the notification memorandum is information as to whether the supporting legal advisor has reviewed the meeting proposal and expressed any concern.

4. POC. The POC for this policy is the Contract and Fiscal Law Division, OJA, HQ USAREUR, military 537-0630.

2 Encls

1. [References](#)
2. [Checklist, "Meeting with Non-Federal Entities"](#)



CHRISTOPHER G. CAVOLI
Lieutenant General, USA
Commanding

References

1. "Policy for Communication with Industry" SecDef, April 24, 2017
2. "Engaging with Industry" DepSecDef, March 2, 2018
3. Federal Acquisition Regulation (FAR), para. 3.101-1
4. DoD Directive 5500.7, "Standards of Conduct," 29 Nov 07
5. DoD Directive 1344.10, "Political Activities by Members of the Armed Forces," 19 Feb 2008
6. FAR, Subpart 15.6, "Unsolicited Proposals"
7. DoD Ethics Counselor's Deskbook, chapter on Conflicts of Interest (dated Nov 2016)
8. DoD Ethics Counselor's Deskbook, chapter on Relations with Non-Federal Entities: Official and Personal (dated May 2017)
9. AR 600-20, Army Command Policy, 6 Nov 2014 (Prohibiting partisan political activities by AD Soldiers in their official capacity)
10. AR 550-51, Foreign Countries and Nationals International Agreements, 2 May 2008
11. DoD 5500.07-R, Joint Ethics Regulation (JER)
12. 5 C.F.R. §2635.101(b)(7): No private gain for self, family, friends or NFE
13. 5 C.F.R. §2635.101(b)(8): No preferential treatment
14. 5 C.F.R. §2635.702(b): Appearance of Governmental sanction
15. 5 C.F.R. §2635.702(c): Endorsements
16. 5 C.F.R. §2635.703: Use of nonpublic information
17. 5 C.F.R. §2635.704: Use of Government property
18. 5 C.F.R. §2635.705: Use of official time

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Checklist for Meeting With Non-Federal Entities

1. Pre-Meeting Information Gathering. Before the meeting, NFE personnel should provide the USAREUR host with the following information:
 - The topic of discussion, including read-ahead materials.
 - A list of current contracts, upcoming/ongoing competitive procurements, active proposals, or litigation the NFE has pending before the DoD.
 - Whether the discussion involves a contract for which a solicitation has been released.
 - Confirmation that the NFE is not a former senior DoD civilian or retired GO/FO who departed within the last year for grades O-7 and O-8 and civilian equivalent, or within the last two years for grades O-9 or higher or civilian equivalent.
 - Confirmation that the NFE is not a former DoD officer or employee that, as an officer or employee, worked personally and substantially on the particular matter that will be part of the discussion.
 - Confirmation that the NFE is not a former DoD officer or employee who departed within the last two years and had official responsibility in their last year of service over the particular matter to be discussed which was pending at that time.
 - Confirmation that the NFE has not asked to receive any special treatment for protocol purposes (for example, VIP visitor treatment).
 - Whether the NFE is requesting a private discussion without any other staff members present.

2. Legal Review Requirements. To conduct a legal review of a meeting between the Commanding General or USAREUR staff member and an NFE, the following information is required:
 - 5 Ws of the meeting (to include the purpose);

If the NFE is a contractor:

 - Any known Government contracts with the contractor (to include the U.S. Government contracting agency);
 - Any known solicitations, offers or proposals between the U.S. Government and the contractor (to include the U.S. Government contracting agencies);
 - Any known contractual claims, disputes or discrepancies between the U.S. Government and the contractor.

3. Pre-Meeting Coordination. Prior to meeting with NFEs, consider the following:
 - What other directorate(s) should send a representative to attend this meeting?
 - Should the meeting include or be referred to an action officer, a subject matter expert, or a contracting officer's representative?
 - When the NFE is a contractor, staff coordination with the Commander, 409th CSB and Principal Assistant Responsible for Contracting (PARC) should be conducted, with an invitation to the PARC or his representative to participate in the meeting.

4. Conduct of Visit. The purpose of the visit *should be limited to the NFE providing information to members of USAREUR*. The following non-exhaustive list of activities must be followed prior to, during, and after any meetings with NFEs:
 - Do not take the meeting with the NFE if it could have a direct and predictable effect on any attending USAREUR member's personal, family, or business financial interests, or will create an improper appearance.
 - Limit the meetings to 30 minutes or less and limit the schedule to one engagement—be prepared to treat all similarly situated NFE requests in the same manner.
 - USAREUR members should be in listening mode to learn about the NFE's mission, capabilities and services.
 - Do not reveal procurement sensitive information.
 - Do not discuss future needs or requirements.
 - Do not offer assistance or advice.
 - Do not discuss any claims, disputes, or discrepancies between the U.S. Government and the NFE.
 - Do not discuss classified or other sensitive information requiring appropriate clearances.
 - Do not ask the NFE to perform any work (avoid unauthorized commitments).
 - Do not treat NFE as VIP.
 - Do not accept gifts from the NFE.
 - Forward any written materials provided by a contractor to the 409th CSB representative.
 - ⇒ The POC for unsolicited proposals is the Deputy to the Commander.
 - ⇒ The POC for procurement sensitive materials is the Chief, Regional Contracting Office, Wiesbaden.