



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

AEJA-KF

1 June 2023

MEMORANDUM FOR

HQ USAREUR-AF Staff Principals
Commanders of USAREUR-AF Major Subordinate Commands and of Commands
under USAREUR-AF Operational Control

SUBJECT: USAREUR-AF Policy on Meeting with Non-Federal Entities that are Vendors
or Lobbyists (AEA Cmd Memo 2023-006)

This memorandum expires in 2 years.

- 1. Supersession.** This memorandum supersedes USAREUR-AF, AEJA-KF memorandum (USAREUR-AF Policy on Meeting with Non-Federal Entities that are Vendors or Lobbyists (AEA Cmd Memo 2022-006)), 1 April 2022.
- 2. References.** [Enclosure 1](#) lists the references.
- 3. Purpose.** The purpose of this memorandum is to provide USAREUR-AF policy and procedures for meeting with non-Federal entities (NFEs) that are vendors or lobbyists, while maintaining compliance with Federal ethics and contracting rules. This policy does not apply to routine meetings with vendors that are required as part of the normal performance of ongoing contracts or contract actions.
- 4. Policy.** USAREUR-AF personnel will conduct themselves with the highest ethical standards when interacting with NFEs.
 - a. All similarly situated NFEs must receive equal treatment. USAREUR-AF personnel must be willing to meet with all similarly situated NFEs seeking a meeting to ensure complete impartiality and prevent the appearance of preferential treatment in the conduct of USAREUR-AF business. USAREUR-AF personnel will strictly avoid any conflict of interest or even the appearance of a conflict of interest in USAREUR-AF and NFE relationships.
 - b. USAREUR-AF personnel will not give a competitive advantage to a particular vendor or NFE by releasing "inside information" that is not otherwise available to the public. Any USAREUR-AF briefing given will contain only information readily available to the general public.
 - c. USAREUR-AF personnel will not treat representatives of NFEs as VIPs, regardless of their former status or position, when they meet with them to discuss NFE

This memorandum is available at
<https://intranet.eur.army.mil/aepubs/SitePages/HomeNew.aspx>.

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business (for example, no rides from the airport in Government vehicles; no all-day escorts; no officially hosted free dining).

d. USAREUR-AF personnel will not make any commitments regarding the acquisition of offered goods and services including the disposition of unsolicited contract proposals (UPs) by vendors.

e. Vendor discussions, vendor demonstrations, and other activities that are voluntarily offered as UPs and could benefit this command will be forwarded to the 409th Support Brigade (Contracting) Senior Contracting Official for review.

f. USAREUR-AF personnel will 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-AF personnel and an NFE, USAREUR-AF personnel will submit a meeting proposal to the Secretary of the General Staff (SGS), HQ USAREUR-AF, for coordination, and to the Office of the Judge Advocate (OJA), HQ USAREUR-AF, 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. [Enclosure 3](#) provides the format for an acknowledgment of the principles of this policy by the NFE.

h. All subordinate commands are required to notify the Chief of Staff, HQ USAREUR-AF, through the SGS (in either a memorandum or an email message) no fewer than 7 days before the visit. The notification memorandum will include the information as to whether the supporting legal advisor has reviewed the meeting proposal and expressed any concern.

5. POC. The POC for this policy is the Contract and Fiscal Law Division, OJA, HQ USAREUR-AF, at military 314-537-0630.

[Encls](#)


DARRYL A. WILLIAMS
General, USA
Commanding

References

5 CFR 2635.101(b)(7–8)

5 CFR 2635.702(b–c)

5 CFR 2635.703

5 CFR 2635.704

5 CFR 2635.705

FAR 3.101-1 (General)

FAR 15.6 (Unsolicited Proposals)

DOD Directive 1344.10 (Political Activities by Members of the Armed Forces)

DOD Directive 5500.07 (Standards of Conduct)

DOD 5500.07-R (Joint Ethics Regulation (JER))

AR 550-51 (International Agreements)

AR 600-20 (Army Command Policy)

Secretary of Defense memorandum (Dialogue with Industry), 24 April 2017

Deputy Secretary of Defense memorandum (Engaging with Industry), 2 March 2018

Checklist for Meeting With Non-Federal Entities (NFEs)

1. Pre-Meeting Gathering of Information. Before the meeting, NFE personnel should provide the USAREUR-AF host with the following:

- a. The topic of discussion, including read-ahead materials.
- b. A list of current contracts, upcoming and ongoing competitive procurements, active proposals or litigation that the NFE has pending before the DOD.
- c. Whether the discussion involves a contract for which a solicitation has been released.
- d. The confirmation that the NFE is not a former senior DOD civilian or retired general officer or foreign officer who departed within the last year in the grade of O-7 or O-8 (or civilian equivalent), or within the last 2 years in the grade of O-9 or higher (or civilian equivalent).
- e. The 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.
- f. The confirmation that the NFE is not a former DOD officer or employee who departed within the last 2 years and had official responsibility in his or her last year of service over the particular matter to be discussed which was pending at that time.
- g. The confirmation that the NFE has not asked to receive any special treatment for protocol purposes (for example, VIP visitor treatment).
- h. Whether the NFE is requesting a private discussion without any other staff member present.

2. Prerequisites for the Conduct of a Legal Review. For the conduct of a legal review of a meeting between the Commanding General or USAREUR-AF staff member and an NFE, the following information is required:

- a. The 5 Ws of the meeting (including the purpose).
- b. If the NFE is a vendor:
 - (1) Any known Government contracts with the vendor (including the U.S. Government contracting agency).
 - (2) Any known solicitations, offers, or proposals between the U.S. Government and the vendor (including the U.S. Government contracting agencies).

(3) Any known contractual claims, disputes, or discrepancies between the U.S. Government and the vendor.

3. Pre-Meeting Coordination. Before meeting with NFEs, USAREUR-AF personnel must consider the following:

a. What other directorates would benefit from the meeting and should send a representative?

b. Should the meeting include or be referred to an action officer, a subject-matter expert, or a contracting officer's representative?

c. When the NFE is a Vendor, staff coordination with the Commander, 409th Support Brigade (Contracting) (409th CSB), and the Senior Contracting Official (SCO) should be conducted, with an invitation to the SCO or the SCO's representative to participate in the meeting.

4. Conduct of the Visit. The purpose of the visit should be limited to the NFE providing information to USAREUR-AF personnel. The following nonexhaustive list of activities must be followed before, during, and after any meeting with NFEs. USAREUR-AF personnel will—

a. Not conduct the meeting with the NFE if it could have a direct and predictable effect on personal, Family, or business financial interests of any attending USAREUR-AF personnel, or will create an improper appearance.

b. Limit the meeting to 30 minutes or less and limit the schedule to one engagement and be prepared to treat all similarly situated NFE requests in the same manner.

c. Be in listening mode to learn about the NFE's mission, capabilities, and services.

d. Not reveal procurement-sensitive information.

e. Not discuss future needs or requirements.

f. Not offer assistance or advice.

g. Not discuss any claims, disputes, or discrepancies between the U.S. Government and the NFE.

h. Not discuss classified or other sensitive information requiring appropriate clearances.

i. Not ask the NFE to perform any work (avoid unauthorized commitments).

j. Not treat the NFE as a VIP.

k. Not accept gifts from the NFE.

l. Forward any written materials provided by a vendor to the 409th CSB mailbox:
usarmy.rheinland-pfalz.409-contr-spt-bde.list.409csb-cod-sco@mail.mil.

(1) The POC for unsolicited proposals is the Deputy to the Commander, military 542-6409.

(2) The POC for procurement sensitive materials is the Chief, Regional Contracting Office, Wiesbaden, military 546-6765.

Vendor Visit and Briefing Acknowledgment

_____, hereafter referred to as the “Vendor,” is authorized to conduct a demonstration, product display, or briefing for the U.S. Army Europe and Africa (hereafter referred to as “USAREUR-AF”) or other authorized personnel, about materials or subjects as herein described, and subject to the terms of this acknowledgment.

SCOPE OF DEMONSTRATION, PRODUCT DISPLAY, OR BRIEFING:

LOCATION & DATE(S) OF DEMONSTRATION, PRODUCT DISPLAY, OR BRIEFING:

_____.

The Vendor agrees as follows:

1. The primary purpose is to provide the Vendor with an opportunity to explain his or her product or service and shall not be used as an attempt to seek procurement-sensitive information.

a. The Vendor acknowledges USAREUR-AF employees’ obligation not to release nonpublic information under DOD 5500.07R, The Joint Ethics Regulation. This authority also requires all USAREUR-AF employees to “act impartially and not give preferential treatment to any private organization or individual.”

b. The Vendor acknowledges USAREUR-AF employees’ obligation to protect procurement information under Title 41, U.S. Code Chapter 21—Restrictions on Obtaining and Disclosing Certain Information, formerly the Procurement Integrity Act, 41 USC § 2101 et seq.

2. Demonstrations, product displays, and briefings will be conducted for the sole purpose of demonstrating or displaying the capability of a particular item or service and not for fulfilling mission requirements for an interim time frame. The demonstration, product display, or briefing will in no way, expressed or implied, obligate USAREUR-AF to purchase, rent, or otherwise acquire the item or service demonstrated, displayed, or briefed. The Vendor has sole responsibility for furnishing all supplies and equipment necessary to accomplish the demonstration, product display, or briefing.

3. Demonstrations, product displays, or briefings will be conducted by an authorized representative of the Vendor furnishing the item or service; no U.S. military or civilian

employee of the Department of Defense will demonstrate or display items or services on behalf of a Vendor. USAREUR-AF shall not assume the costs of or obligation for, expressed or implied, damages to, destruction of, or loss of a Vendor's equipment.

4. _____ has been designated as the duly authorized representative of the U.S. Government for the purpose of this acknowledgment. This designated individual will work with the Vendor to schedule the demonstration, product display, or briefing, and coordinate logistics, security, and information technology requirements. This designated individual does not have the authority to commit the U.S. Government to any agreements or contracts, and will not be authorized to make any contact with the Vendor's organization without further coordination with USAREUR-AF leadership and the designated contracting office.

5. The Vendor will not file any claim against the U.S. Government or otherwise seek compensation for any information or services provided under this acknowledgment.

6. Nothing in a meeting with, or demonstration by, the Vendor shall be construed as an obligation on behalf of the U.S. Government. USAREUR-AF and the Department of Defense are not bound, nor obligated, to follow any recommendations provided by the Vendor. The U.S. Government is not bound, nor obligated, in any way to give any special consideration to the Vendor on future contracts.

7. No U.S. Government services or U.S. Government-owned supplies will be provided for use by the Vendor.

_____/_____
Vendor Company Name / Vendor Title

_____/_____
Signature of Vendor / Date of Signature