

**FISH AND WILDLIFE SERVICE
CONTRACTING**

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OVERVIEW

3.1 What is the purpose of this chapter? This chapter describes the legal and ethical prohibitions for U.S. Fish and Wildlife Service (Service) acquisitions.

3.2 What is the scope of this chapter? The requirements in this chapter apply to all employees who are involved in procurement.

3.3 What are the authorities and responsibilities for this chapter? See [301 FW 1](#) for a list of authorities and responsibilities for all of the chapters in Part 301. In addition to that list of authorities, the following are specific to the ethical standards for procurement:

- A. [Executive Order 12731](#), Principles of Ethical Conduct for Government Officers and Employees.
- B. [Federal Acquisition Regulation \(FAR\), Part 3](#). Improper Business Practices and Personal Conflicts of Interest ([48 CFR Part 3](#)).
- C. [Department of the Interior Acquisition Regulation \(DIAR\) Part 1403](#).
- D. Procurement Integrity Act, section 27 ([41 U.S.C. 21](#)), as amended by [P.L. 111-350](#).

PROHIBITIONS

3.4 Of what prohibitions do employees involved in procurement need to be aware?

A. Contracting with Government Employees.

(1) Employees must not award contracts to:

- (a) Government (i.e., Federal) employees,
- (b) Business organizations substantially owned or controlled by Government employees,
- (c) Immediate family members of Service employees, or

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(d) Firms substantially owned or controlled by immediate family members of Service employees.

(2) With approval from the Bureau Procurement Chief (i.e., Chief, Division of Contracting and General Services (CGS), Headquarters), you may obtain an exception to this policy if there is no reasonable alternative. Offering the lowest price is not a sufficient reason to invoke an exception. To get approval from the Bureau Procurement Chief, you must:

(a) Write a memorandum to the Bureau Procurement Chief explaining the exceptional circumstances and other alternatives you considered, and

(b) Send the memorandum through your Regional Contracting Office for surname before submitting it to CGS, Headquarters. Employees in Headquarters must send it through their supervising Directorate member for surname before it goes to CGS.

B. Post-Employment Restrictions. Former employees must not represent a contractor before the Government in relation to any contract on which the former employee worked while employed by the Service. This restriction applies for 2 years from the date the person separated from the Service.

C. Procurement Integrity. Program managers, members of evaluation and selection boards, and other Service employees must not contact offerors about their proposals unless the Contracting Officer or his/her designee has approved it in advance. This communication restriction preserves the integrity of the competitive procurement process.

D. Organizational Conflict of Interest. Unless approved in advance by the Chief of the servicing Contracting Office, an organization is not eligible to receive a contract or subcontract if that organization had a role in the design of the contract or statement of work. See [FAR Subpart 9.5](#) for details about contractors preparing specifications and statements of work.

REPORTING ETHICAL ISSUES

3.5 What should employees do if they discover evidence of irregularities or possible fraud, waste, or abuse related to procurement?

A. Employees must report this type of information to one or more of the following:

(1) The Head of the Contracting Activity (i.e., the Assistant Director – Business Management and Operations, Headquarters);

(2) The Division Chief, CGS (Headquarters); or

(3) The Office of the Inspector General.

B. These officials will accept your report in writing (e.g., email, memorandum), over the telephone, or in person. To ensure the officials can follow up on the issue, anonymous reports

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must include complete and specific information (e.g., contract number, circumstances of the alleged fraud, or any other available documentation).

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