



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

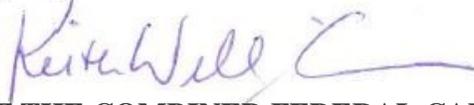
Washington, DC 20415

Merit System
Accountability and
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CFC MEMORANDUM 2018-05

March 28, 2018

**TO: LOCAL FEDERAL COORDINATING COMMITTEES AND
PRINCIPAL COMEBINED FUND ORGANIZATIONS**

FROM: KEITH WILLINGHAM 
DIRECTOR, OFFICE OF THE COMBINED FEDERAL CAMPAIGN

SUBJECT: OUTREACH COORDINATOR REQUIREMENTS AND CPAR UPDATE

As we move forward with the Outreach Coordinator (OC) contracts for the Combined Federal Campaign (CFC) in 2018 and subsequent years, I want to call to your attention critical requirements about the work of the OC and how it intersects with your roles and responsibilities on the Local Federal Coordinating Co1mmittee (LFCC).

OC responsibilities are limited to areas expressly laid out in regulation, requests for task order proposals, and contract awards. Regulations allow us to engage an OC to provide local campaign operations and marketing support to CFC zones, including developing marketing plans and materials, employee training, campaign event and activity support, and printing and distribution of CFC Charity Lists and pledge forms.

In briefing the companies after they were selected in the overall procurement action in May 2017, the Office of Personnel Management (OPM) stressed that some services are expressly NOT ALLOWED under any CFC Task Order. At no time shall services described in a task order include services to perform inherently governmental functions in accordance with FAR Subpart 7.5 and/or the Office of Federal Procurement Policy (OFPP) Policy Letter 11-01. Also, OPM and the LFCC will not present requirements that are out of scope nor pay for work not included in the terms of the contract.

The Office of the CFC learned that there is the appearance that some of the companies may have been performing inherently governmental functions. The nature of this work may have included:

- working with Local Federal Coordinating Committees (LFCC) to edit and submit "final" statements of objectives (SOOs),
- drafting letters lobbying OPM to change the fee structure, or
- encouraging additional work requirements beyond the scope of the regulations and task orders (such as reviewing charity applications for completeness).

This activity undermines the integrity of the CFC program and -- at the very least -- is not acceptable. As OPM contractors, these firms and their personnel are not to participate in the development of requirement documents - AT ALL. If it comes to our attention that any firm is acting in this manner in the future, OPM will prohibit that company from submitting proposals to work in those Zones for that solicitation period due to the ethical and legal implications of such activity.

Although these companies may know the requirements from FY17, OPM will not tolerate any OCs communicating with LFCCs or other Government personnel to try and assist in the requirement document development for future years.

All LFCC members who participate in the contracting process are required to sign a Procurement Integrity Statement (See attachment). This statement covers the confidentiality of your work in developing the S00, serving on the Technical Evaluation Panel, supervising the work, approving invoices and other duties as necessary to carry out the work. If you will be functioning in any of these roles in 2018, please sign the attached and return it to cfc@opm.gov by April 30, 2018. If you have further questions, please do not hesitate to contact me.

CPAR FORM: Attached also is the blank Contractor Performance Assessment Report (CPAR). The Office of the CFC is using the attached form as a guide. OPM will complete these forms. We would like your input (before your task order expires) on Boxes 15-20. You should not put anything on this form about which you have not already spoken to your contractor. If you have previously replied with this information, thank you. If you have not yet replied, some of the questions to consider:

1. Did the contractor deliver everything that was in the Task Order? Everything that was in its proposal?
2. Was there anything you wanted from a contractor in 2017 that we did not ask for in the 2017 order?
3. Is there anything we requested that can be deleted?
4. Is there anything that the contractor proposed but did not deliver?

We would like the LFCC input on the contractor evaluation as notes in a document or e-mail. You do NOT have to complete this form -- OPM we will do it. OPM need to have the 2017 contractor evolution in our office before we open a solicitation for the 2018 Task Order.

Attachment 5, Procurement Integrity Certification

PROCUREMENT INTEGRITY, ETHICS, AND STANDARDS OF CONDUCT

PROCUREMENT INTEGRITY

FAR 3.104 implements the procurement integrity provisions, Section 27, of the Office of Federal Procurement Policy Act (41 USC 423). The Act prohibits certain activities by competing contractors and Government procurement officials during the conduct of a Federal agency procurement. These prohibitions include the following activities: **offering, soliciting or discussing future employment or business opportunities; offering or accepting any money, gratuity, or another thing of value; or soliciting or disclosing any proprietary and source selection information regarding a procurement.**

A Government procurement official is any officer or employee of an agency who has participated personally and substantially in any of the following activities for a procurement:

- (A) Drafting a specification or a statement of work for a procurement;
- (B) Review and approval of a specification or statement of work for a procurement;
- (C) Preparation or development of procurement or purchase requests for a procurement
- (D) Preparation or issuance of a solicitation for a procurement
- (E) Evaluation of bids (or offers) or proposals for a procurement
- (F) Selection of sources for a procurement;
- (G) Negotiations to establish the price or terms and conditions of a contract or contract modification;
- (H) Review and approval of the award of a contract or contract modification.

Individuals who serve as procurement officials must not engage in any prohibited conduct and must agree that they will report any violations or possible violations.

Prohibition on former official's acceptance of compensation from a contractor

A former official of a Federal agency may not accept compensation from a contractor as an employee, officer, director, or consultant of the contractor within one year after such former official-- .

- (i) Served, at the time of selection of the contractor or the award of a contract to that contractor, as the procuring contracting officer, the source selection authority, a member of a source selection evaluation board, or the chief of a financial or technical evaluation

team in a procurement in which that contractor was selected for award of a contract in excess of \$10,000,000;

(ii) Served as the program manager, deputy program manager, or administrative contracting officer for a contract more than \$10,000,000 awarded to that contractor; or

(iii) Personally made for the Federal agency--

(A) A decision to award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order more than \$10,000,000 to that contractor;

(B) A decision to establish overhead or other rates applicable to a contract or contracts for that contractor that are valued more than \$10,000,000;

(C) A decision to approve the issuance of a contract payment or payments more than \$10,000,000 to that contractor; or

(D) A decision to pay or settle a claim more than \$10,000,000 with that contractor.

Nothing in the above paragraph may be construed to prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in the above paragraph.

ETHICS

The FAR 3.101-1 and 3.101-2 establishes general ethical guidelines governing procurements for all agencies. These regulations forbid any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships. Government employees may not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan or anything of value from any party who is doing business with or seeking to do business with the employee's agency. FAR 3.104-7 covers ethics advisory opinions.

Executive Order 11222

The foundation for Federal agency policy on ethical conduct is Executive Order 11222. Under this Executive Order, employees are to avoid any action that might result in or create an appearance of:

1. Using public office for private gain.
2. Giving preferential treatment to any person or organization.
3. Impeding Government efficiency or economy.

4. Losing independence or impartiality of action.
5. Making a Government decision outside of official channels.
6. Adversely affecting public confidence in the Government's integrity.

OPM STANDARDS OF CONDUCT

The Director of OPM has promulgated standards of conduct which require every employee who takes part in or has knowledge of any procurement action to:

1. Conduct himself/herself in such a manner as to maintain trust and confidence in the integrity of the procurement process;
2. Exercise diligence in carrying out procurement-related duties to the best of his/her ability;
3. Treat all information regarding any procurement action in the strictest confidence and release such information only to those who have been authorized to receive it. Procurement officials shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates. Moreover, a person shall not knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates;
4. Advise the Contracting officer immediately of any information which comes into his/her possession and which may be material that is relevant to the procurement process including possible violations of these standards;
5. Avoid engagement in any transaction that might conflict or create the appearance of conflict with proper discharge of his/her responsibilities during the procurement process by reason of financial interest, family relationship, or other circumstance causing breach of confidence in the procurement process and advise the contracting officer of any conflict or apparent conflict as soon as it becomes known; and
6. Avoid doing anything that might influence others to commit any act that would constitute a violation of these standards.

Procurement Official Acknowledgment:

I have reviewed the requirements set forth in this summary of Procurement Integrity, Ethics and Standards of Conduct, and agree to abide by the policies set forth herein:

_____ Date: _____
Signature

_____ Date: _____
Print Name

Source Selection Role/Title _____