



PREP ASSIGNMENT  
SEASON 2023, EPISODE TWO  
January 25, 2023  
FAR PART 3:  
ETHICS IN GOVERNMENT CONTRACTING

Preparation Assignment (20 points each)

Fill In the Blank Questions:

1. Government business shall be conducted in a manner above reproach and, except as authorized by statute or regulation, with complete impartiality and with preferential treatment for none. [Hint: Check out **FAR 3.101-1**]
2. A person *must* not, other than as provided by law, 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 [Check out **FAR 3.104-3**]
3. Contractors' arrangements to pay *contingent fees for soliciting or obtaining Government contracts* have long been considered contrary to public policy because such arrangements may lead to attempted or actual exercise of improper influence. [Check out **FAR 3.402**]
4. Government contractors *shall* not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to a Member of Congress, or an *authorized official of an agency* or of the Department of Justice, relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract) [Check out **FAR 3.903**]
4. [31 U.S.C.1352](#) prohibits a *recipient* of a Federal contract, grant, loan, or cooperative agreement from using appropriated funds to pay any *person for influencing or attempting to influence* an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any *covered Federal actions*.

“Look ‘Em Ups” (Enter the FAR cite and Answer)

1. What information should a government employee provide to a cognizant agency ethics official to avoid potential personal or organization conflicts of interest prior to speaking with or being hired by a government contractor?  
FAR 3.104-6(b)

The request for an advisory opinion *must be in writing, include all relevant information reasonably available to the official or former official, and be dated and signed. The request must include information about the-*

(1) *Procurement(s), or decision(s) on matters under [3.104-3\(d\)\(1\)\(iii\)](#), involving the particular contractor, in which the individual was or is involved, including contract or solicitation numbers, dates of solicitation or award, a description of the supplies or services procured or to be procured, and contract amount;*

(2) Individual's participation in the *procurement or decision, including the dates or time periods of that participation, and the nature of the individual's duties, responsibilities, or actions; and*

(3) Contractor, including a description of the *products or services produced by the division or affiliate of the contractor from whom the individual proposes to accept compensation.*

2. According to FAR Part 3, what practices or events may indicate a "red flag" or lead a contracting officer or Government investigator to believe that a government contractor may be violating federal or state anti-trust statutes and regulations?

FAR 3.303©

Practices or events that *may evidence violations of the antitrust laws include-*

(1) The existence of an "industry price list" or "price agreement" to which contractors refer in formulating their *offers*;

(2) A sudden change from competitive bidding to identical bidding;

(3) Simultaneous price increases or follow-the-leader *pricing*;

(4) Rotation of bids or proposals, so that each competitor takes a turn in sequence as low bidder, or so that certain competitors bid low only on some sizes of contracts and high on other sizes;

(5) Division of the market, so that certain competitors bid low only for contracts awarded by certain agencies, or for contracts in certain geographical areas, or on certain *products, and bid high on all other jobs*;

(6) Establishment by competitors of a collusive price estimating system;

(7) The filing of a joint bid by two or more competitors when at least one of the competitors has sufficient technical capability and productive capacity for contract performance;

(8) Any incidents suggesting direct collusion among competitors, such as the appearance of identical calculation or spelling errors in two or more competitive *offers or the submission by one firm of offers for other firms; and*

(9) Assertions by the employees, former employees, or competitors of *offerors, that an agreement to restrain trade exists.*

**FAR Question:** According to **FAR 3.10**, what three questions may the Government ask when assessing the adequacy of a government contractor's employee business ethics and compliance training program and internal control system?

FAR 1.1002

*To promote compliance with such code of business ethics and conduct, contractors should have an employee business ethics and compliance training program and an internal control system that-*

(1) Are suitable to the size of the company and extent of its involvement in Government contracting;

(2) Facilitate timely discovery and disclosure of improper conduct in connection with Government contracts; and

(3) Ensure corrective measures are promptly instituted and carried out.

**FUN Question:** Speaking of three, one of my favorite shows to watch (in reruns) when I was growing up was the “Three Stooges”. Tell me the names of all of the “stooges”. [**Hint:** There was more than 3]. For an additional 20 “FUN” points tell me which stooges were related to each other.

There were 6 Stooges (Moe Howard, Larry Fine, Curly Howard, Shemp Howard, and Curly Joe DeRita, and Joe Besser).

Moe, Curly, and Shemp were all brothers.