

# **Ethics and Contractor Employees**

Acquisition Advisory Panel

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# **Ethics in Government and the Role of Contractor Employees**

**Government Ethics:** System of laws and rules to make sure that Government employees are accountable for the trust placed in them

**Contractor Employees:** Mainly accountable to their private employers

**Concern:** Without eroding fundamental distinction between Government employees and contractor employees, need to recognize potential for conflicting interests of contractor employees

# Vulnerable Situations

- ✍ Services contracts
- ✍ Close interaction between contractor and Government personnel
- ✍ Government accustomed to relying on Federal personnel for similar services

# **Specific Types of Contracts Where Ethics Issues Arise**

- ✍ Advisory services contracts
- ✍ Management and Operation contracts
- ✍ Post-outsourcing (e.g., A-76) contracts
- ✍ Large indefinite delivery contracts involving task orders

# Examples of Types of Conflicts

- ✍ Financial Conflicts of Interest
- ✍ Impartiality Concerns
- ✍ Misuse of Information
- ✍ Misuse of Authority (Actual or Apparent)
- ✍ Misuse of Government Property

# Possible Remedies

## Organizational Conflict of Interest:

- ✍ Awareness of possible uses of FAR subpart 9.5
- ✍ Agency FAR supplement option
- ✍ Consider changes to subpart 9.5

# **Possible Remedies**

## Contract Clauses:

Model clauses developed by agencies to deal with  
different conflict situations

# Possible Remedies

## Education:

- ✍ Draw attention to need to consider issues of contractor employee conflicts
- ✍ Address both Government contracting officials and contractor ethics programs

# **Possible Remedies**

Compliance:

Need for monitoring and/or other  
compliance measures

# Conclusion

Need to work proactively to anticipate vulnerabilities before ethics problem arises