

**1. Can I use the Federal Aviation Administration Employees Association Bookstore as a source for FAA purchases?**

The Federal Aviation Administration Employees Association Bookstore is owned or substantially owned or controlled by Federal Aviation Administration employees. As we see in the Federal Aviation Administration Acquisition System Toolset (FAST), Federal Aviation Administration Procurement Toolbox Guidance, T3.2.5 Contractor Ethical Guidelines, subparagraph A.7.a., the Federal Aviation Administration will not knowingly award a contract to a Federal employee or to a business concern or other organization owned or substantially owned or controlled by one or more Federal employees

**Procurement Guidance** (Revised 1/2009)[\[ Download \]](#)**T3.2.5 - Contractor Ethical Guidelines (Revision 2, April 2008)** (Revised 4/2008)**A : Contractor Ethical Guidelines****1 : Officials Not to Benefit****2 : Contractor's Gratuities to FAA Personnel** (Revised 4/2008)**3 : Contingent Fees** (Revised 4/2008)**4 : Limitation on the Payment of Funds to Influence Federal Transactions**

(Revised 4/2008)

**5 : Subcontractor Kickbacks****6 : Unreasonable Restrictions on Subcontractor Sales** (Revised 4/2008)**7 : Contracts with Federal Employees/Business Owned by Federal Employees****8 : Voiding and Rescinding Contracts** (Revised 4/2008)**9 : Whistleblower Protection for Contractor Employees** (Revised 4/2008)**10 : Contractor Code of Business Ethics and Conduct** (Added 4/2008)**11 : Definitions** (Revised 4/2008)**B : Clauses****C : Forms**

**5 : Subcontractor Kickbacks**

As prescribed by the Anti-Kickback Act (41 U.S.C. 51-58), subcontractors are prohibited from making payments (or anything of value) and contractors from accepting payments (or anything of value) for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract.

*T3.2.5 - Contractor Ethical Guidelines (Revision 2, April 2008)*

*Contractor Ethical Guidelines*

**6 : Unreasonable Restrictions on Subcontractor Sales** (Revised 4/2008)

Subcontractors are not to be unreasonably precluded from making direct sales to FAA of any supplies or services made or furnished under a contract. However, this does not preclude contractors from asserting rights that are otherwise authorized by law or regulation.

*T3.2.5 - Contractor Ethical Guidelines (Revision 2, April 2008)*

*Contractor Ethical Guidelines*

**7 : Contracts with Federal Employees/Business Owned by Federal Employees**

a. *Contracts with Current Federal Employees.* The FAA will not knowingly award a contract to a Federal employee or to a business concern or other organization owned or substantially owned or controlled by one or more Federal employees.

b. *Contracts with Former Federal Employees.* The FAA may enter into contracts with a former Federal employee, or business concern or other organization owned or substantially owned or controlled by one or more former Federal employees.

c. *Contracts with Former Federal Employees Taking the Retirement Buy-out.* The FAA may enter into contracts with former Federal employees who have taken the buy-out retirement option only if those individuals have complied with federal, agency, and local laws or policies concerning reemployment as a contractor. The Contracting Officer should consult with the cognizant legal counsel about retirement buy-out restrictions and potential contracts with former Federal employees.

*T3.2.5 - Contractor Ethical Guidelines (Revision 2, April 2008)*

*Contractor Ethical Guidelines*

**8 : Voiding and Rescinding Contracts** (Revised 4/2008)

a. The FAA has discretionary authority to void and rescind contracts, in addition to any other rights available under law or regulation, when a contractor has a final conviction for bribery, conflict of interest, misconduct, or any other violation of 18 U.S.C. 201-224 involving or relating to FAA contracts. The FAA may also recover the amounts expended and property transferred under the contracts.

b. Because a final conviction under 18 U.S.C. 201-224 relating to a contract also may justify the conclusion that the party involved is not presently responsible, the Contracting Officer (CO) should consider initiating debarment proceedings, if debarment has not been initiated, or is not in effect at the time the final conviction is entered.

c. The facts concerning any final conviction for any violation of 18 U.S.C. 201-224 involving or relating to FAA contracts should be reported promptly to the CO. The CO should also promptly