

Gratuities Checklist

Item Number	Note: Procedures may differ based on the AOR. Contact responsible component OPR for command-specific procedures.	Applicable and Present
1	REFERENCE: FAR 3.101-2, <i>Solicitation and Acceptance of Gratuities by Government Personnel.</i>	
2	PERSUASION. Attempt to persuade the contractor not to give the gratuity to the CCO. Explain to the individual the restrictions place on US Procurement Officials. (A gratuity violates the <i>Joint Ethics Regulation</i> and gives the perception of violating the principles of competition and fair and impartial evaluation of offers.)	
3	DO NOT OFFEND. If the contractor is offended by the attempt identified above, accept the gratuity. (Make a mental note of what [cash, gold, and so forth], when [date and time], where [location], who [name of individual, contractor, any witnesses], and how much [quantity and value of gratuity] for documentation purposes.)	
4	SAFEGUARD. Once you have accepted the gratuity, it must be safeguarded. If necessary, request local finance personnel put the gratuity in the finance office safe. (Be sure to get a receipt if this method is utilized.)	
5	LEGAL. Turn the gratuity over to judge advocate general [JAG] as soon as possible. (Get something in writing stating the item was turned over to them.)	
6	DOCUMENTATION. Write a memorandum for record (MFR) identifying as much information as possible to include all of the information in Item #2, legal advice, and the approximate value of the item. (Refer to example below.)	
7	BUYING THE ITEM. If the CCO wants the item, check with the legal office about the possibility of buying the item at a reasonable cost.	

MEMORANDUM FOR RECORD

Date

SUBJECT: Received gratuity from

1. On 200X, at approximately hours, subject contractor attempted to give me a gratuity. I attempted to not accept this gratuity and explained to the contractor the restrictions placed on US procurement officials IAW the Joint Ethics Regulation (DoD 5500.7-R). Additionally, I explained how accepting such a gratuity gives the perception of violating the principles of competition and fair and impartial evaluation of offers (IAW FAR Part 6 and FAR 13.104).

2. Subject contractor became greatly offended (maybe expand on culture here?). Therefore, I accepted the gift on behalf of the US government and secured it in for proper disposition. At , the value of the gift was ascertained to be approximately \$ and given to accounting and finance office personnel to be placed in their safe. A receipt was obtained for record (if applicable, refer to attachment).

3. Legal advice will be obtained regarding this matter at the earliest. Further questions concerning this unsolicited gratuity should be directed to the undersigned at extension XXX-XXXX.

Contracting Officer

Atch

Receipt from finance