



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY MEDICAL COMMAND
2050 WORTH ROAD
FORT SAM HOUSTON, TEXAS 78234-6000

REPLY TO
ATTENTION OF

MCCG

12 DEC 2006

MEMORANDUM FOR ALL MEDCOM COMMANDERS

SUBJECT: Unauthorized Communications with Contractors

1. Commanders at all levels must place a greater emphasis on preventing unauthorized discussions with contractors. I direct that all pre-command courses conducted in MEDCOM include procurement training from either an attorney, contracting officer, or contracting specialist to help MEDCOM commanders better understand the rules for communicating with contractors; in addition, current MEDCOM commanders must receive similar procurement training within the next four months and all MEDCOM commanders will attend annual acquisition ethics training thereafter. I also encourage commanders to direct senior members of their staff to receive this training.
2. MEDCOM is increasingly dependent upon contracts to provide vital services. Contracting officers and their designated representatives are responsible for administering these contracts, and the contracting officers are the only officials authorized to negotiate with contractors about the terms of these contracts. Of course, in the case of a personal service contract, a supervisor may properly communicate with a contractor employee concerning the quality of medical care. However, when a commander or supervisor identifies a need to change requirements or to otherwise modify the terms of a contract, he or she must work with the contracting officer either directly or through the contracting officer representative for that contract. Commanders or their representatives may not negotiate contract terms or requirements with contractors. To do so may result in an unauthorized commitment or unlawful release of procurement sensitive information in violation of the Joint Ethics Regulation and the US Criminal Code.
3. Communicating directly with contractors on matters where MEDCOM personnel lack authority often interferes with the proper administration of contracts and increases the risks for unauthorized commitments and unlawful disclosures of procurement sensitive information. Only contracting officers may properly negotiate with contractors or bind the government. For more information, contact your servicing Judge Advocate or Contracting Office.


KEVIN C. KILEY
Lieutenant General, MC
Commanding