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Polsinelli Shughart has developed an Ethics and Compliance Program that a company contracting with the U.S. Government, either as a prime contractor or a subcontractor, can implement to satisfy the requirements set forth in Subpart 3.10 of the Federal Acquisition Regulation (FAR). We can also assist with auditing existing Ethics and Compliance Programs to ensure compliance with FAR requirements and current best practices.

FAR Subpart 3.10

Subpart 3.10 states that all contractors should have a written code of business ethics and conduct and 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.

The Subpart 3.10 recommendations are mandatory for many contractors with contracts that exceed \$5,000,000 in value and have a performance period of 120 days or more. In some instances, contractors are also responsible for ensuring that subcontractors establish and maintain an appropriate ethics and compliance program.

Reasons to Adopt an Ethics and Compliance Program

There are a number of ways a company considering selling its products or services to the U.S. Government may benefit from adopting our Ethics and Compliance Program.

- Makes your company more attractive to the U.S. Government and prime contractors.
- Enhances your employees' understanding of the unique rules applicable to contracting with the U.S. Government.
- In the event of a violation, having such a program in place often is viewed as a mitigating factor in connection with a debarment or suspension decision and by prosecutors in determining whether criminal charges should be filed.
- Failure to comply with the applicable FAR requirements could result in: (1) a negative past performance rating, which could make it difficult to win future contract awards; (2) breach of contract, which could result in termination, withholding of payments, and other financial penalties; and (3) suspension or debarment from contracting with the U.S. Government.

Components of Polsinelli Shughart's Ethics and Compliance Program

- Code of Business Ethics and Conduct tailored to your company's specific needs.
- Business Ethics Awareness and Compliance Program, including an Ethics and Compliance Training Program, designed to communicate to your employees the Code of Business Ethics and Conduct and related policies and procedures.
- Internal Control System designed to facilitate timely discovery of and corrective measures for improper conduct, including an internal mechanism for employees to report suspected misconduct and seek guidance.
- Policies and Procedures with respect to the implementation, monitoring, auditing, and periodic review of the Ethics and Compliance Program.

Legal Fees

Being a Midwest-based firm allows Polsinelli Shughart to take advantage of significantly lower operating costs, which translates to lower fees for our clients. We offer fixed fee engagements and hourly rates that may represent a significant reduction in fees compared to similarly-sized "coastal" firms.