

CHANGE REQUEST COVER SHEET

Change Request Number: 13-92

Date Received: 7/16/2013

Title: FAA Conferences & Light Refreshments Definition

Name: Eugene Scott

Phone: 202-493-4639

Policy OR Guidance: Guidance

Section/Text Location Affected: T3.2.2.5A5 FAA Sponsored Conferences, Seminars, Ceremonies and Workshops

Summary of Change: The changes (1) revises the requirements to obtain executive approval for FAA sponsored conferences to make AMS consistent with DOT and FAA Administrator requirements and (2) revise the definition of ¿Light Refreshments¿ in accordance with the recommendations of an internal review of spending on awards ceremonies.

Reason for Change: To make AMS consistent with DOT and Administrator direction regarding approval for FAA sponsored conferences and clarify what ¿Light Refreshments¿ are.

Development, Review, and/or Concurrence: ACQ-1 and Division contracting managers, AAP-110, AGC-500, Aeronautical Center contracting, AAP-600

Target Audience: AMS users

Potential Links within FAST for the Change: none

Briefing Planned: No

ASAG Responsibilities: Approve

Potential Links within FAST for the Change: none

Links for New/Modified Forms (or) Documents (LINK 1)

Links for New/Modified Forms (or) Documents (LINK 2)

Links for New/Modified Forms (or) Documents (LINK 3)

SECTIONS EDITED:

Procurement Guidance:

T3.2.2.5 - Simplified Purchase Method

Simplified Purchasing

Section 5 : FAA Sponsored Conferences, Seminars, Ceremonies, and

Workshops [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

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Old Content: Procurement Guidance:

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(1) Conferences sponsored by FAA with an estimated expenditure of \$500,000 or more are prohibited unless a waiver approving the conference is signed by the Secretary of Transportation.

(2) Conferences sponsored by FAA with an estimated expenditure of \$100,000 or more, when the travel costs FAA will pay in support of the conference are included, require Chief Financial Officer (CFO), Administrator, and Deputy Secretary review and approval.

(3) Conferences sponsored by the FAA with an estimated expenditure of less than \$100,000, and 20 or more FAA employees meeting outside of their normal duty stations, require FAA Administrator review and approval.

(4) Agency-sponsored events with more than 50 total attendees (including non-FAA personnel) require FAA Administrator review and approval. Meetings held entirely at FAA or DOT headquarters, regional, or center offices, as well as classroom training at the Center for Management and Executive Leadership (CMEL), are exempt from this requirement if the total cost is less than \$100,000.

(5) A copy of the written justification and the approvals must be sent to the FAA CFO at least 30 days prior to the conference for those with an estimated expenditure of \$100,000 or more.

(6) For current forms and guidance, please see the Financial Standard Operating Procedure "Processing Event Packages over \$100,000" at the Financial Services website and the guidance provided at the CFO Acquisition Oversight website.

c. *Securing Conference Space.* See AMS Real Property Guidance 2.4.6, Appendix F, for real property considerations regarding short-term conference and meeting space. Warranted Contracting Officers under the acquisition organization and the real property organization have the authority to secure conference space. Generally, such space can be contracted for utilizing a standard purchase order or on a purchase card. If the conference space provider produces their own conference form, it must be reviewed for unacceptable terms/language and when acceptable, signed by a warranted Contracting Officer.

d. *Legal Review.* Legal counsel must first review any agreement in excess of \$100,000 (total Government expenditures including room charges for the attendees) between FAA and a hotel. Except as provided below, agreements below \$100,000 do not require review, but review may be sought at the discretion of the CO or the CO's delegee.

(1) Changes to the following AMS clauses require legal review regardless of the dollar value:

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(2) Incorporation of the following clauses requires legal review regardless of the dollar value:

(a) Clauses making any law (including state law) other than Federal law controlling;

(b) Clauses that establish liability beyond what is funded or contingent liability beyond the limits imposed allowed the Federal Tort Claims Act; and

(c) Clauses requiring binding arbitration.

e. *Travel-related Costs.* Employee's travel, hotel, local transportation, and per diem must be paid with the FAA travel card. An employee's travel-related costs cannot be paid for under a contract, purchase order, or FAA purchase card.

f. *Items for Distribution to Conference Attendees.* Generally, personal use items, such as mugs, clothing, or bags, cannot be purchased and given to conference attendees. Conference planners must consult with legal counsel before purchasing any items to be distributed to conference or event attendees.

g. *Food and Beverage.*

(1) The FAA may purchase food and beverage for conference participants under the following narrowly defined circumstances:

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(i) The term "formal conference" usually denotes topical matters of interest to and participation of multiple agencies and/or non-Governmental participants. Other indicators are registration, published substantive agenda, scheduled speakers and discussion panels.

(ii) The meals, beverages, and refreshments must be incidental to the conference.

(iii) The employees are not free to take meals elsewhere without being absent from the essential business of the meeting.

(iv) The meals, beverages, and refreshments must be part of a formal conference that includes both substantial functions at the time the meals, beverages and refreshments are served and substantial functions separate from when food, beverages, or refreshments are served.

(v) At formal conferences where the above criteria are met, FAA may also pay for the food, beverages, and refreshments of private citizens or Federal employees from other agencies when an administrative determination is made that their attendance is necessary to achieve the program or conference objectives.

(b) *Internal FAA Training Conferences.* The meals, beverages, and refreshments must be:

(i) Incidental to the conference;

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(c) *Award Ceremonies.* The FAA may purchase light refreshments for award ceremonies. The FAA purchase card may be used to purchase light refreshments.

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(e) *Official Receptions*. For official receptions hosted by the Administrator (or designated senior executive) for foreign or non-Federal dignitaries, FAA may purchase light refreshments, meals, snacks, and beverage. The Administrator's official reception and representation funds must be used for these events (see FAA Order 1200.3). The FAA purchase card may be used to purchase food or beverage for these events.

(2) Except for FAA award ceremonies and the Administrator's official receptions, FAA purchase card cannot be used as a procurement vehicle for food and beverage; a purchase order or contract must be used instead. However, the purchase card may be used to make payment against a duly executed contract signed by a warranted CO.

(3) Food and beverage costs must be reasonable, must not include alcoholic drinks, and cannot be purchased for amusement or social events, such as networking sessions, team-building exercises, or hospitality suites (except hospitality functions at the Administrator's official receptions).

(4) The FAA cannot purchase food and beverage for routine meetings to discuss day-to-day issues. Examples of routine meetings include those to discuss day-to-day operations, to develop business plans to accompany FAA goals, or to develop performance targets.

(5) The FAA may pay a facility rental fee that includes the cost of food or beverages provided to FAA employees where the fee is all-inclusive, not negotiable and competitively priced to those that do not include food.

h. *Justification for Food and Beverage*. The FAA's policy is to not use, nor create the appearance of, use of Government funds to entertain Federal employees. Before contracting for a conference or event with food and beverage, the Director (or equivalent management level) of the organization sponsoring the event and legal counsel must approve a written justification explaining why food and beverage is necessary. The justification must describe:

- (1) Nature and purpose of the event;
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- (3) Any statutory, regulatory, or other authority for the event;
- (4) Participants;
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- (6) Facility and location;
- (7) Estimated cost; and
- (8) Reason why food and beverage is necessary.

(9) Meal(s) that will need to be offset in attendees' travel vouchers; and

(10) Keynote functions which include meals. The description of the function is to include any keynote speakers, the type of presentation(s) being given and how they are integral to the conference.

i. *Travel Vouchers and Per Diem.* Conference attendees must offset in their travel vouchers the cost of meals paid for and provided by the Government. Light refreshments do not need to be offset in travel vouchers. Distinguishing meals from light refreshments is important and sometimes difficult. Foods that constitute light refreshment are snacks, such as cookies, and beverages. A meal is an occasion in which food is eaten (specifically: breakfast, lunch or dinner). See FAA Travel Policy for rules when meals are furnished by the Government.

j. *Registration Fees.* Registration fees are payments collected by FAA, or a support contractor on behalf of FAA, from private and other public participants attending an FAA-sponsored conference. If FAA wishes to charge a registration fee, it must have statutory authority to do so. Under 31 U.S.C. 3302(b), FAA must deposit registration fees in the U.S. Treasury, unless there is specific statutory authority for FAA to keep and use fees collected. The FAA currently has statutory authority to credit back to its operations account authorized collections; therefore conference planners should check with legal counsel before depositing authorized registration fees into the general treasury. FAA may not authorize a conference support contractor to charge a fee to offset costs. However, in cases when FAA co-sponsors a conference and the co-sponsor incurs the cost of the conference without FAA reimbursement, the co-sponsor is permitted to collect registration fees to cover its costs.

New Content: Procurement Guidance:

T3.2.2.5 - Simplified Purchase Method

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approval. Meetings held entirely at FAA or DOT Headquarters, Regional or Center offices, as well as formal classroom training are exempt from this requirement if the total cost is less than \$100,000. Formal training events are defined as "events that typically occur in structured classroom environments and are led by an instructor".

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(6) For current forms and guidance, please see the Financial Standard Operating Procedure "Planning Meetings, Conferences, Workshops, Training Events and Award Ceremonies in the FAA" at the Financial Services website and the guidance provided at the CFO Acquisition Oversight website.

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