

13–12. Acquisition of goods and services

When APFs are to be expended for a MWR acquisition, the provisions of the FAR, FAR supplements, and this regulation apply. MWR USA/UFM funding practice provisions are in chapter 5 of this regulation. For NAF acquisitions, the provisions of this regulation and AR 215–4 apply.

a. Verbal contracts will not be used.

b. NAF and APF Government purchase cards may be used as authorized.

c. The GSA Smart Pay Purchase Card is for Armywide use by both APF and NAF organizations. Armywide SOP for use of the Government Purchase Card is issued to each cardholder explaining the program, conditions for use, authorized, unauthorized, and regulated purchases, dollar limits, and procedures. The SOP for use of this Government Purchase Card by U.S. Army NAFIs/entities is issued by the Commander, Family and Morale, Welfare and Recreation Command, ATTN: IMWR–NC, 4700 King Street, Alexandria, VA 22302–4415.

(1) The NAFI will use the NAF Purchase Card to pay for commercial services arranged by the NAFI for which the program has received payment from the patron—for example, tickets to concerts, theatres, or sports events.

(2) The GSA Smart Pay Purchase Card may be used by APF organizations to purchase supplies or services noncompetitively from NAFIs/entities, including AAFES, subject to the threshold of \$2,500. The Government must rotate such purchases among vendors if there is similar price/value relationship. Supplies and services acquired from NAFIs/entities must be integral to the ongoing functions performed by the NAFI/entity in support of the NAFI/entity mission.

d. Under the authority of 10 USC 2492—

(1) NAFIs/entities may enter into a contract or an agreement with another element of the DOD or with another Federal department, agency, or instrumentality to provide or obtain goods and services. Before entering into a contract or other agreement, the garrison MWR operating entity administrator/NAFI fund manager will ensure that the contract or agreement will financially benefit the entity/NAFI, considering fixed and variable direct and overhead costs (including depreciation). Goods and services provided by a NAFI/entity to another agency must be within the scope of the designated NAFI's/entity's function and mission. DOD NAFIs will not enter into contracts or agreements with DOD elements or other Federal agencies or instrumentalities for the provision of goods and services that will result in the loss of existing contractor jobs on the installation created pursuant to the Randolph-Sheppard, Javits-Wagner-O'Day Act, or small business programs.

(2) Use of DD Form 448 (Military Interdepartmental Purchase Request) will follow guidelines in DFAS–IN Regulation 37–1 (para 1205) to transfer NAFs to an APF account of the U.S. Government for goods and services rendered to a NAFI/an entity by the Government.

e. The Government may contract noncompetitively with overseas exchanges for supply requirements, conditioned upon the contract (or Purchase Card) not exceeding \$100,000; availability of merchandise where the contract is let; and that items are normally in the exchange inventory (10 USC 2424).

f. See paragraphs 5–2 and 5–3 for policy on the DOD MWR USA/UFM funding practices, which allows authorized APF services to be executed through a MWR NAF account.

13–13. Food service employee meals

a. Program managers may offer an employee meal program to NAF employees working in a food service environment (MWR programs that sell food). If this is a condition of employment, the employee must be paid for the meal period. In any case, the meal period is specified within the employee's scheduled work hours. Meals will be retail price, wholesale cost, or no cost to the employee. The employee meal program is used as a business tool and a benefit to the NAFI/entity. Examples include a rental clerk behind the bowling center counter taking meals at the bowling center snack bar; a club cook or hostess taking their meal at the club; and the golf pro manager taking a meal at the food service facility at the golf course.

b. Meal programs for local national employees and third-country national employees are prescribed by the IMCOM Regions and subject to applicable international agreements.

c. GLAC 306 is used in accounting for NAF employee meals per DFAS-IN Regulation 37-1, chapter 32 (para 320309) and attachment 2.

13–14. Acceptance of gifts or donations

For commercial sponsorship agreements, see chapter 11. For gifts to the Government, see AR 1–100.

a. Gifts of real or personal property or gifts of a monetary value may be accepted by a NAFI when voluntarily offered by private individuals or groups, if a determination is made that acceptance is in the NAFI's best interest. In making this determination, the responsible official considers—

(1) Whether the NAFI/entity needs the proposed gift.

(2) The cost to the NAFI/entity.

(3) Whether conditions imposed by the donor, if any, can be met.

b. Gifts will not be solicited. Army personnel may, however, identify NAFI/entity needs in response to inquiries from prospective donors.

c. Donors will not be granted any special privileges or concessions in return for gifts voluntarily offered; all ownership rights are relinquished. This will not preclude accepting donations of minimal value (score cards, coin wrappers, golf tees, table tents) that include the logo or slogan of a commercial source. Government identity will not be contained on such items.

(1) A posted disclaimer will state that the Army does not officially endorse the product donated or the organization furnishing it.

(2) The donor will not be given exclusive rights to furnish products.

d. The use of donor boxes for voluntary public contributions to museums and chaplain funds is not a public solicitation and is, therefore, authorized. A sign posted near the donor box will state clearly how contributions are used and that donations are not used to support the APF facility where the box is located.

e. The following authorities may approve offers of gifts or donations, subject to value limitations for each gift. The aggregate amount of concurrent gifts from a single source to an individual NAFI/entity will determine the approval level. Requests are forwarded through the following command channels:

(1) Director, FMWR, up to \$15,000 when delegated by the garrison commander.

(2) Garrison commanders, up to \$50,000, except for contributions by the local United Way, which may be accepted in any amount.

(3) ICOM Regional Directors, up to \$100,000.

(4) FMWRC (IMWR-PO), amounts up to \$250,000.

(5) Secretary of the Army, amounts over \$250,000.

13–15. Safety, fire prevention, and health programs

a. Safety.

(1) Safety programs will be established for all MWR programs in cooperation with garrison safety directors and fire marshals as required by AR 385–10, AR 385–40, and AR 420–1. Chapter 8 of this regulation outlines additional safety requirements for high-risk MWR programs.

(2) SOPs for safety administration and accident prevention will be developed for ongoing and special activities and used by all MWR personnel.

(3) Individuals using hand tools, power tools, and other specialized equipment will qualify prior to use. Qualification records are maintained on DA Form 3031 (Qualification Card for Use of Arts and Crafts Center Equipment) or DA Form 3031–1 (Qualification Card for Use of Automotive Crafts Shop Equipment) and are updated every 5 years.

(4) Tableside flambé cooking in MWR programs is prohibited because of the safety hazards posed to the server and guests and the potential for major liability claims under the RIMP program.

b. Food service inspections and sanitation. Comprehensive health and environmental quality programs are established for all MWR operations as prescribed by Technical Bulletin Medical (TB MED) 530. Food inspection and sanitation requirements are outlined in AR 40–5 and AR 40–657.

c. Weapons and ammunition. Weapons and ammunition are stored, maintained, and accounted for as prescribed in chapters 8 and 17, AR 190–11, AR 385–64, and DA Pam 385–64.

d. Smoking.

(1) Smoking in MWR facilities will be in accordance with AR 600–63. All DOD civilian and military personnel will be protected from the health hazards caused by exposure to environmental tobacco smoke.

(2) Enclosed designated smoking areas must be exhausted directly to the outside, located away from air intakes, and maintained under negative pressure sufficient to contain tobacco smoke in the designated area. Employees will not be required to enter such areas during normal business hours while environmental tobacco smoke is present.

(3) MWR program managers may designate outdoor smoking areas that are reasonably accessible to smokers and provide a measure of protection from the elements. They are to be located at least 50 feet from common points of ingress and/or egress into and/or out of the MWR facility and not in front of the building air intake ducts or areas commonly used by nonsmokers.

(4) In accordance with PL 104–52, the sale of tobacco products (cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco) in vending machines and the distribution of free samples of tobacco products in or around Federal buildings (owned or occupied under a lease, to include real property on which a building is located) is prohibited, except at specific locations where minors (under 18 years of age) are not allowed. Sales restrictions apply only to vending machines, not over-the-counter sales. This prohibition may or may not apply to buildings occupied in foreign areas as may be specified in SOFAs.

e. Pest management.

(1) MWR programs, to include clubs, child care centers, golf courses, and other recreational facilities, will establish pest management programs in cooperation with public works environmental personnel as prescribed by AR 200–5.

(2) Each MWR program should employ pest management techniques that reduce reliance on chemicals to eliminate or reduce damage by pests with minimum risks to the environment from hazardous chemicals.