ANTI-KICKBACK POLICY

This policy sets forth requirements regarding the establishment of procedures to prevent and detect possible violations of 41 U.S. Code Sections 51-58 (the Anti-Kickback Act of 1986). Washington State University departments and personnel must comply with that Act and this policy.

ANTI-KICKBACK ACT

The purpose of the Anti-Kickback Act of 1986 is to deter any person involved in contracting with the United States government from offering, accepting, or attempting to accept an inducement for favorable treatment in connection with a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or service of any kind. Inducements include anything of value, including money, commissions, fees, credit, gifts, gratuities, or compensation, which is provided directly or indirectly to any contractor, subcontractor, or employee of a contractor or subcontractor.

IMPLEMENTATION

The Office of Vice President for Research and Graduate Studies is primarily responsible for the implementation of this University policy.

REQUIREMENTS

REPORTS

University departments are to report possible violations of the Anti-Kickback Act of 1986 to the Office of Research Support and Operations (ORSO).

When the University has reasonable grounds to believe that a violation of the Anti-Kickback Act of 1986 may have occurred, ORSO promptly reports the possible violation in writing to one of the following:

• The inspector general of the contracting department or agency of the United States.

• The head of the contracting department or agency of the United States if the department or agency does not have an inspector general.

• The Department of Justice.

COOPERATION WITH FEDERAL AGENCIES

University departments and personnel are to cooperate fully with any federal agency investigating a possible violation of the Anti-Kickback Act of 1986.
Anti-Kickback

Required Language

The University must include the following language in all federally-funded subcontracts to obtain supplies, materials, equipment, or services of any kind in connection with contracts exceeding $100,000 that are established between the University and departments or agencies of the United States.

"The Anti-Kickback Act of 1986 was passed to deter subcontractors from making payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. By acceptance of this subcontract, the contractor agrees to comply with the following regulations. FAR 3.502, FAR 52.203-7, and 41 USC 51-58."