

Date: April 1, 2004

In reply refer to: Advisory-0404

Subject: "Complimentary" Microsoft Software Mailings

To: All OCFO Employees

On March 2, 2004, an Ethics Advisory, titled *Gifts From Outside Sources*, was issued. It gave guidance on handling gifts from the Microsoft Corporation—full versions of Microsoft Office Professional Edition 2003 and Microsoft Office OneNote 2003. Since that time the Department has issued additional guidelines. Their guidance states, in part:

"The Departmental Administration Office of Procurement and Property Management (OPPM) and the Office of Ethics have been informed [of] a recent mailing of "free" versions of Microsoft Office 2003 to USDA personnel. OPPM has informed the USDA Management Council of this issue, and provided a letter/template for use in returning the "free" software to Microsoft. The letter has been posted to the IT Leadership QuickPlace at the link below. OPPM is unsure how widely within USDA this software was distributed, but provided this letter as an example of how to respond. As noted in the letter, providing "free" software constitutes a gift from a prohibited source under 5 CFR 2635 subpart B.

The sample letter for use in returning the [complimentary] software is available at the following link:

[http://quickplace.usda.gov/quickplace/usda-itlc/Main.nsf/h\\_BC2418076D56DE5586256D87006D98D0/A19901E0528F183486256E6600584433/?OpenDocument](http://quickplace.usda.gov/quickplace/usda-itlc/Main.nsf/h_BC2418076D56DE5586256D87006D98D0/A19901E0528F183486256E6600584433/?OpenDocument)

As indicated in the earlier advisory, this marketing technique, for training, computer items/software, etc. is common in the private sector; however, it creates conflict of interest issues when used to market products to the Government. For more information, please review the website at [5 CFR 2635.202](#).

If you have questions or encounter situations not covered by this advisory, please contact your supervisor. Supervisors with inquiries should contact the Agency Ethics Office at 504-426-0308 or 504-426-0307.



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