

Departmental Ethics Office Quick Guide: **Procurement Integrity & Post-Government Employment**

As a general matter, if your official duties involve the procurement process, the Procurement Integrity Act (41 U.S.C. §§ 2101 – 2107) may impose certain restrictions on your job search and employment after your departure from the Department of Interior (DOI). This summary provides you with information to assist in determining whether the restrictions will apply to you, but please note that there are additional ethics rules and restrictions which apply to all DOI employees.

Please always consult with the Departmental Ethics Office (DEO) *before* beginning a job search and *immediately upon* receiving unsolicited offers or inquiries for targeted ethics guidance.

Limitations on the Disclosure and Obtaining of Information when Seeking, Negotiating and/or Engaging in Post-Government Employment

The Procurement Integrity Act prohibits you from releasing source selection and contractor bid or proposal information. These limits are applicable *at each stage* (seeking, negotiating, engaging in) of the post-government employment process. If you have or had access to such information, as a present or former employee of, or person acting on behalf of or advising, the U.S on a procurement, you are prohibited from disclosing this information before the award of the contract to which the information relates. 48 C.F.R. § 3.104-4(a). In addition, you are also prohibited from knowingly obtaining this type of information before the award of the contract to which the information relates. 48 C.F.R. § 3.104-4(b).

Notification Requirements When Seeking and Negotiating Post-Government Employment

If you participate personally and substantially in a procurement valued in excess of the simplified acquisition threshold (currently \$250,000), and you contact or are contacted by a bidder or offeror in that procurement regarding possible non-Federal employment, you are required to report the contact in writing to your supervisor and your ethics official, and either:

1. Reject the offer, or
2. Disqualify yourself in writing from further involvement in that procurement, in accordance with 18 U.S.C. § 208, until authorized to resume participation because:
 - a. The offeror is no longer a bidder or
 - b. All discussions have terminated without an agreement for employment. (48 C.F.R. § 3.104-4(c))

This requirement does not apply after the award of the contract or after the procurement has been canceled, although the conflict of interest statute, 18 U.S.C. § 208, would still require disqualification on your part, if you are administering a contract. Additionally, under 18 U.S.C. § 208, you are prohibited from taking part in any particular matter, if you are negotiating employment with that contractor, unless a waiver has been granted.

Post-Government Employment Restrictions

Under the Procurement Integrity Act, you may not accept compensation from a contractor within one year after serving as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board or the chief of a financial or technical evaluation team for a procurement for a contract in excess of \$10 million awarded to that contractor. This restriction also applies if you served as program manager, deputy program manager or administrative contracting officer for a contract over \$10 million. In addition, the restriction will apply to you if you made a decision to:

1. award a contract, modification, subcontract, task order or delivery order, in excess of \$10 million;
2. establish overhead or other rates applicable to a contract in excess of \$10 million; or
3. approve issuance of a contract payment or payments in excess of \$10 million or pay or settle a claim in excess of \$10 million. (48 C.F.R. § 3.104-3(d))

Please note that this restriction can apply to decisions made after the award of the contract (which need not be competitively awarded). The restriction does not apply to accepting compensation from a division or affiliate of the contractor that does not produce the same or similar product or service.

Additional Employment Restrictions

Please remember all government employees are subject to additional disqualification and recusal requirements when seeking, negotiating or entering into an arrangement for future employment. You will be subject to these additional restrictions regardless of whether you work for a contractor after Government service, and these restrictions may apply even if you did not perform any of the functions designated by the Procurement Integrity Act.

DEO Contact Information

Please contact the DEO for additional assistance or guidance during any phase of your seeking and negotiating for post-Government employment. Additionally, you may request formal written advice from the DEO regarding the applicability of the procurement integrity provisions to your anticipated future employment.

| Ethics Advice & Counsel | Offboarding Coordinator | Financial Disclosure Offboarding Coordinator |
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