

## **SUMMARY OF PROCUREMENT INTEGRITY RULES**

This document provides a brief summary of the procurement integrity provisions of the Federal Acquisition Reform Act of 1996. Employees should consult the implementing regulations at 48 C.F.R. § 3.104 and contact their Deputy Ethics Counselor (DEC) for further information and assistance in specific situations.

### **Disclosure of Information**

*41 U.S.C. §§ 423(a) and 423(b)*

An employee or former employee may not knowingly disclose contractor bid or proposal information, or source selection information, before the award of a Government contract. There is also a prohibition on improperly obtaining such procurement information before the award of a contract.

### **Actions Required When Contacted About Non-Federal Employment**

*41 U.S.C. § 423(c)*

Any employee who personally and substantially participates in an agency procurement over \$100,000 must report in writing to his supervisor and the Designated Agency Ethics Official any contacts with or by a bidder or offeror regarding possible non-Federal employment. The employee making the report must either reject the possibility of non-Federal employment, or disqualify himself from further personal and substantial participation in the procurement until the agency authorizes the employee to resume participation. The contact reports must be maintained by the agency for two years after submission and must be made publicly available unless otherwise exempted from disclosure by law. (For contracts under \$100,000, employees also must disqualify themselves from participation in the procurement while seeking employment with any entity that may be affected by the procurement but the reporting obligation specified by this statute is not applicable.)

### **Post-Employment Restrictions**

*41 U.S.C. § 423(d)*

Employees who worked on a contract in excess of \$10 million cannot receive compensation from that contractor for one year after the employee: (1) served as a contracting officer, member of a source selection board, or chief of a technical evaluation team; (2) served as a program manager, deputy program manager, or administrative contracting officer; or (3) personally made certain decisions such as approving an award, modification, task or delivery order, establishing overhead, or settling a claim. (Other post-employment provisions in 18 U.S.C. § 207 bar representational communications or appearances before the Government on behalf of a new employer or others, if the representational activity involves specific party matters, such as grants or contracts, in which the employee worked or supervised. Senior officials and political appointees are subject to additional prohibitions.)