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Command Policy

**MANAGEMENT OF CONTRACTOR VISITS TO HEADQUARTERS
AIR EDUCATION AND TRAINING COMMAND (HQ AETC)**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AEPD 90-1, *Policy Formulation*. It sets forth procedures and responsibilities for arranging and monitoring official visits of contractors to general officers and other personnel in HQ AETC.

Maintain and dispose of records created as a result of processes prescribed in this publication in accordance with AFMAN 37-139, *Records Disposition Schedule*. See Attachment 1 for a glossary of references and supporting information. This publication does not apply to Air Force Reserve Command or Air National Guard units.

SUMMARY OF REVISIONS

Revises contractor visits involving potential violations of post-government employment restrictions (paragraph 6), and revises contractor visits to HQ AETC/CE (paragraph 19). A ★ indicates revision from previous edition.

Section A—Responsibilities

1. Overview:

1.1. Visits of contractors to general officers and other personnel in HQ AETC are a matter of command interest and must receive every consideration to ensure visit requirements are appropriate and managed in a courteous and professional manner. Everyone who interacts with contractors has ethical and integrity responsibilities they must consider when facilitating or arranging contractor visits.

1.2. Contractor visits to HQ AETC are governed by the requirements in this instruction. All HQ AETC organizations will comply with these rules and policy when responding to requests for contractor visits.

2. Specific Responsibilities:

2.1. HQ AETC/XPRO is the office of primary responsibility (OPR) for coordinating contractor visits to general officers in the HQ AETC command section.

2.2. HQ AETC/LGC will provide a weekly status briefing at the AETC commander's staff meeting to keep senior leadership apprised of current source selections (large-dollar value), or other high profile contracting issues within AETC.

2.3. The applicable organization will handle the scheduling of contractor visits to personnel in organizations other than the HQ AETC command section. AETC Form 27, **Contractor Visit Questionnaire**, and AETC Form 28, **Demonstration Agreement - Statement of Understanding**, may be used to help manage contractor visits.

Section B—Rules for Contractor Visits

3. General. Many times, former DoD employees (either retired or separated, military or civilian) will gain employment with contractors who seek to do business with HQ AETC. Typically, these former employees will seek an audience with directors or above on the headquarters staff to establish relationships, or facilitate an exchange of information. HQ AETC personnel will adhere to the ethical considerations in paragraphs 4 through 20 when a visit request is received.

4. Visits by Retired General Officers and Senior Executive Service (SES) Personnel:

4.1. Verification. The HQ AETC OPR responsible for responding to the request of a retired general officer or a retired SES to visit HQ AETC on behalf of a contractor will verify the retirement date and agency the general officer or SES retired from. If the retirement date is 1 year or less, and the individual has retired from the Air Force, the HQ AETC OPR will ensure the purpose of the visit does not violate Title 18 United States Code (U.S.C.) 207(c), known as the one-year no-contact rule. This rule prohibits senior officials from contacting any employee of their former agency on behalf of a third party within 1 year in connection with any matter on which the third party seeks official action by the agency.

4.2. One-Year Ban Regarding Foreign Entities (18 U.S.C. 207[f]). Air Force general officers and SES members who are ES-6 or ES-5 may not, for 1 year after leaving the government:

4.2.1. Represent a foreign government or foreign political party before any US government agency with intent to influence a decision by a US government agency.

4.2.2. Aid or advise a foreign government or foreign political party with intent to influence a decision by a US government agency.

4.3. Violations. HQ AETC/LGCM or AU/XP should refer contractor visits by personnel who may be in violation of these rules to HQ AETC/JAC for a legal recommendation regarding the propriety of the visit.

5. Contractor Visits Involving a Potential Violation of the Procurement Integrity Act. To ensure compliance with Title 41 U.S.C., Section 423, of the Procurement Integrity Act:

5.1. During the conduct of any federal agency procurement of property or services, competing contractors are prohibited prior to the award of a contract from knowingly soliciting or obtaining (directly or indirectly) any proprietary or source selection information regarding such procurement from any officer or employee of an agency.

5.2. On receipt of a request for a contractor visit, the HQ AETC/LGCM point of contact will take action to notify the appropriate contracting squadron of the request. The contracting squadron will research ongoing source selections and other procurement action to ascertain whether subject contractor visit might have a negative impact on the action. In particular, any request from a participating contractor in a source selection to visit or brief the source selection authority (SSA) or technical advisors to the source selection should be postponed until after the award of the contract.

5.3. Refer any request for a contractor visit involving a potential violation of the Procurement Integrity Act to HQ AETC/JA for a legal recommendation

★6. Contractor Visits Involving Other Potential Violations of Post-Government Employment Restrictions. The Joint Ethics Regulation (JER), DoD 5500.7-R (paragraph 9-900), states that current DoD employees shall not knowingly deal, on behalf of the government, with former DoD employees, if the employee's participation in the transaction would violate any statute, or DoD directive, regulation, or policy. Thus, Federal employees should not deal with a former employee if they believe that doing so would cause that person to violate any of the following rules:

6.1. Lifetime Representation Ban (18 U.S.C. 207[a][1]). Military officers and Federal civilian employees who participate personally and substantially in a government contract or other particular matter are prohibited for life from representing the contractor (or any other third party) before the Air Force or any other Federal agency, in connection with that contract or matter. The ban does not apply to enlisted personnel.

6.2. Two-year Representation Ban (18 U.S.C. 207[a][2]). Military officers and Federal civilian employees who have a contract or other particular matter under their official responsibility during their last year in the government may not, for 2 years, represent the contractor (or any other third party) before the Air Force or any Federal agency, in connection with that contract or matter. The ban does not apply to enlisted personnel.

6.3. Ban on Representation during Terminal Leave (18 U.S.C. 203 and 205). Military officers and Federal civilian employees are prohibited from representing any person, company, or organization (other than the US) before the Air Force or any other Federal agency. This ban applies to officers who are on terminal leave, but does not apply to enlisted personnel.

Section C—Rules on and Prohibitions Against Disclosure of Government Information

7. Prohibition Against Giving Preferential Treatment (5 CFR 2635.101[b][8]). Federal employees are prohibited from giving preferential treatment to any private individual or company. Giving all interested contractors the same information at the same time is the preferred (and the legally most prudent) method of disseminating information.

8. Prohibition Against Disclosure of Non-Public Information (5 CFR 2635.703[a]). Employees will not disclose non-public information to further the private interests of any individual, company, or organization. Non-public information means information the employee gains by reason of federal employment, and he or she knows (or reasonably should know) has not been made available to the general public.

9. Prohibition Against Disclosure of Information Related to a Source Selection. Employees will not disclose contractor bid or proposal information, or source selection information. See 41 U.S.C. 423(a), (f)(1), (f)(2) and Federal Acquisition Regulation (FAR) 3.104-4(a). **NOTE:** This is information related to a specific source selection.

10. Prohibition Against Disclosure of Advance Procurement Information. According to the FAR, a high level of business security must be maintained in order to preserve the integrity of the acquisition process (FAR 5.401[a]). According to FAR 5.401(b) and (c), employees participating in the acquisition process may not disclose:

10.1. Information on plans that would provide undue or discriminatory advantage to private or personal interests.

10.2. Information received in confidence from an offeror.

10.3. Information otherwise requiring protection under DoDR 5400.7-R/AF Supplement 1, *DoD Freedom of Information Act*, or AFI 33-332, *Air Force Privacy Act Program*.

10.4. Information pertaining to internal agency communications; for example, technical reviews, contracting authority or other reasons, or recommendations referring thereto.

11. Prohibition Against Release of Information About a Procurement Before Solicitation is Issued. Information concerning proposed acquisitions will not be released outside the government before solicitation except for presolicitation notices in accordance with FAR 14.205-4(c) or 36.213-2, long-range acquisition estimates in accordance with FAR 5.404, or synopses in accordance with FAR 5.201. Within the government, such information will be restricted to those having a legitimate interest in the information. Releases of information will be made to all prospective bidders as nearly as possible at the same time, so one prospective bidder is not given unfair advantage over another (FAR 14.211[a]).

12. Trade Secrets Act. The Trade Secrets Act states that, unless authorized by law, an employee may not publish or disclose any information that comes to him (or her) in the course of employment or official duties and that concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association (18 U.S.C. 1905).

13. Intelligence. Releasing intelligence to contractors must be in compliance with AFI 14-303, *Release of Intelligence to US Contractors*.

14. Classified Material. If a visiting contractor proposes discussion of any classified material, the hosting office will take action to obtain and process a visit authorization letter (VAL) from the contractor's security office in accordance with DoD 5220.22-M, *National Industrial Security Program Operating Manual Supplement*. Direct any questions concerning this requirement to HQ AETC/SFI.

Section D—Procedures for Contractor Visits to Specific Areas

15. Contractor Visits to HQ AETC/CC, CV, DS, DO, and XP:

15.1. Requests for contractor visits to HQ AETC/CC, CV, DS, DO, and XP are generally received by either the administrative staff of the general officer or by HQ AETC/XPRO. The administrative staff will refer routine contractor visit requests to HQ AETC/XPRO, or establish a tasker for HQ AETC/XPRO with the name, telephone number, and point of contact of the company requesting the visit. (If the administrative staff elects to grant a tentative date and time for the visit, include this information in the tasker.) In the event of a short-notice visit, the command section will call HQ AETC/XPRO direct with the pertinent information.

15.2. Requests for strictly personal visits to HQ AETC/CC, CV, DS, and DO should be referred to their respective administrative staff for approval. Visits by consultants and/or retired military seeking to introduce contractor personnel to general officers in the HQ AETC command section will not be considered personal visits. Handle such visits as contractor visits as described in this instruction.

15.3. On receipt of a contractor visit request, HQ AETC/XPRO will forward a copy of the contractor visit questionnaire (AETC Form 27) to the requestor. The requestor will be asked to complete the form and return it to HQ AETC/XPRO.

15.4. HQ AETC/XPRO will schedule the contractor visit with the appropriate administrative staff of the person being visited. **NOTE:** Schedules are considered tentative and, therefore, not binding by the command staff until an AF Form 1768, **Staff Summary Sheet**, has been approved.

15.5. If the contractor's visiting party includes retired general officer or SES personnel, HQ AETC/XPRO will screen the general officer's or SES biography for the retirement date to ensure the visit does not infringe on the one-year no-contact rule. Biographies of retired general officers are available on AF Link at <http://www.af.mil/> (select library at the next screen, and then biographies). If a potential violation of the one-year no-contact rule is noted, refer the matter to HQ AETC/JA.

15.6. HQ AETC/XPRO will query HQ AETC/LGCM to ascertain whether the visiting contractor is involved in any ongoing AETC source selection, or other contracting matter that could present the appearance of a

conflict of interest. If so, HQ AETC/LGCM will coordinate the issue with HQ AETC/JA, and provide recommendations to HQ AETC/XPRO concerning the proposed visit.

15.7. HQ AETC/XPRO will prepare an AF Form 1768 in support of the contractor visit for the approval of the general officer being visited. The form will include the following information:

15.7.1. Date, time, and place of the visit.

15.7.2. Names, titles, and biographies of members of the visiting party.

15.7.3. Brief company overview or annual report.

15.7.4. Proposed topics the company wishes to discuss.

15.7.5. Names of the functional OPRs who will sit in on the courtesy call.

15.7.6. Name of the escort officer who will accompany the visitors during the visit.

15.7.7. Bullet background papers deemed necessary in support of the visit.

15.8. If the visiting team includes individuals from foreign countries, HQ AETC/XPRO will contact the Air Force Security Assistance Training Squadron (AFSAT). In general, an approved visitor's pass processed through the embassy is required before such a visit can be scheduled.

15.9. If the visiting team includes distinguished visitors (as defined in AETCI 90-401, *Notification of Distinguished Visitors to AETC Installations*), HQ AETC/XPRO will contact the protocol office (HQ AETC/CCP) for direction.

15.10. Any contractor visit scheduled for Martin Hall (building 900) requires the preparation and distribution of an AETC Form 20, **Request for Briefing**, to HQ AETC/DSR and all attendees.

15.11. Prior to contractor visits to HQ AETC; HQ AETC/XPRO will provide the Randolph AFB Visitor Reception Center with information about the visiting team to facilitate entry into Randolph AFB.

15.12. Refer significant conflicts regarding these procedures to HQ AETC/DS for resolution.

16. Contractor Visits to HQ AETC/LG. Contractor visits to HQ AETC/LG will be requested through HQ AETC/LGA. If necessary, HQ AETC/LGA will coordinate through HQ AETC/LGCM concerning any ethics issues.

17. Contractor Visits to HQ AETC/SC. Contractor visits to HQ AETC/SC will be requested through HQ AETC/SCT. If necessary, HQ AETC/SCT will coordinate through HQ AETC/LGCM concerning any ethics issues.

18. Contractor Visits to HQ AETC/ED. Contractor visits with HQ AETC/ED will be requested through AU/XP. If necessary, AU/XP will coordinate through HQ AETC/LGCM concerning any ethics issues.

★19. Contractor Visits to HQ AETC/CE. Contractor visits with HQ AETC/CE will be requested through HQ AETC/CEOG. If necessary, HQ AETC/CEOG will coordinate through HQ AETC/LGCM concerning any ethics issues.

20. Contractor Visits to Other HQ AETC Directorates. The individual directorate, in accordance with the guidance in this instruction, will process contractor visits to other AETC directorates. Directorates should contact HQ AETC/XPRO if additional guidance or assistance is needed.

21. Forms Prescribed. AETC Forms 27 and 28.

★22. Forms Adopted. AF Form 1768.

STEPHEN T. SARGEANT, Brigadier General, USAF
Director of Plans and Programs

1 Attachment

1. Glossary of References and Supporting Information

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Federal Acquisition Regulation (FAR)

Title 18 U.S.C., Section 207, *Restrictions, Graft, and Conflict of Interest*

Title 18 U.S.C., Section 1905, *Disclosure of Confidential Information Generally*

Title 41 U.S.C., Section 423, *Restrictions on Disclosing and Obtaining Contractor Bid or Proposal Information or Source Section Information*

5 CFR 2635, *Standards of Ethical Conduct for Employees of the Executive Branch*

DoD 5220.22-M, *National Industrial Security Program Operating Manual Supplement*

DoD 5400.7-R/AF Supplement 1, *DoD Freedom of Information Act Program*

AFPD 90-1, *Policy Formulation*

AFI 14-303, *Release of Intelligence to US Contractors*

AFI 33-332, *Air Force Privacy Act Program*

AFMAN 37-139, *Records Disposition Schedule*

AETCI 90-401, *Notification of Distinguished Visitors to AETC Installations*

Abbreviations and Acronyms

FAR—Federal Acquisition Regulation

JER—Joint Ethics Regulation

OPR—office of primary responsibility

SES—Senior Executive Service

SSA—source selection authority

U.S.C.—United States Code

VAL—visit authorization letter