



Washington, D.C. 20530

January 31, 2006

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: Michael H. Allen *Michael H. Allen*
Procurement Executive

SUBJECT: DOJ Procurement Guidance Document 06-1, Designation of Program Managers, Deputy Program Managers, and Post-Employment Restrictions

The purpose of this Procurement Guidance Document is to establish a Department-wide procedure for the mandatory designation of Program Managers and Deputy Program Managers on contracts valued at over \$10 million dollars. The Procurement Integrity Act contains a post-employment restriction for certain persons involved in contracts valued at over \$10 million. This post-employment restriction is significant in that it imposes a ban on accepting compensation from the contractor for one year after serving in one of these positions. The Federal Acquisition Regulation (FAR) identifies the categories of employees who are subject to this post-employment prohibition in FAR 3.104-4(d). While most of these employees may be readily identified, the program managers and deputy program managers referred to in FAR 3.104-4(d)(1)(ii) are not as easily identified, and the FAR does not define the positions.

The following requirements are to be adhered to in implementing these designations:

- (1) For each contract valued at over \$10 million, the head of the program office, in consultation with an appropriate manager at the Senior Executive level, shall designate, in writing, a program manager and if applicable, a deputy program manager.
- (2) The designated program manager should be the highest level employee in the program office who exercises authority on a day-to-day basis to manage a contract having a value in excess of \$10 million. The deputy program manager should be the person who normally acts as the program manager in his or her absence. The program manager or the deputy program manager may or may not also be serving as the contracting officer's technical representative on that contract. While persons at a higher level may have decision-making authority, they do not exercise their authority on a day to day basis.

(3) Each designation of such program managers or deputy program managers shall:

- (a) be in writing,

- (b) be given to the employee at the time of contract award and clearly state their post-employment responsibilities,
- (c) be forwarded to the employee's ethics office and a copy shall also be forwarded to the office responsible for the procurement action so it may be placed in the contract file, and
- (d) during the contract performance period, replacement program managers and deputy program managers shall also be designated as described in this paragraph (3).

(4) The prohibition period for former program managers and deputy program managers begins on the last day the individual served in the designated position.

These designations must be made no later than 30 days after the date of this Procurement Guidance Document for all existing contracts which exceed \$10 million (including all option years). A sample memorandum designating the Program Manager and Deputy Program Manager is attached.

The only way to effectively monitor whether this policy is being implemented is for the procurement office to assure they have received a copy of the designation prior to contract award.

A copy of this guidance document is also being distributed to the heads of components under a memorandum from the AAG/A. Please disseminate this Procurement Guidance Document to your staff and to the appropriate program offices you support which currently have or may have future contracts that exceed \$10 million.

If you have any questions regarding the designation of Program Managers and Deputy Program Managers, please call Larry Silvis on (202) 616-3754.



U.S. Department of Justice

Washington, D.C. 20530

MEMORANDUM

TO: Name of Program Manager

FROM: Name of Appointing Official

SUBJECT: Designation of Program (Deputy) Manager

The Procurement Integrity Act contains a post-employment restriction for certain persons involved in contracts valued at over \$10 million. The Federal Acquisition Regulation (FAR) describes several categories of these employees who are subject to this post-employment prohibition in FAR 3.104-4(d). While most of these employees may be readily identified, the program managers and deputy program managers referred to in FAR 3.104-4(d)(1)(ii) are not as easily identified but are subject to the same post-employment restrictions.

The designated Program Manager should be the highest level employee in the program office who exercises authority on a day-to-day basis to manage a contract having a value in excess of \$10 million. The Deputy Program Manager should be the person who normally acts as the Program Manager in his or her absence.

I have determined that you are performing (will be performing) functions on Contract Number _____ that coincide with those of a (Deputy) Program Manager. Therefore, you are designated as the (Deputy) Program Manager for this contract. As a (Deputy) Program Manager for a contract in excess of \$10 million, you will not be able to accept compensation from the contractor for one year after leaving the position of (Deputy) Program Manager. If you are approached by a representative of the contractor about possible employment, you must report the fact to your supervisor and the Departmental Ethics Office in writing and reject the opportunity in clear terms.

If you have any questions about how this provision applies, you should call the Departmental Ethics Office on (202) 514-8196.

Attachment




U.S. Department of Justice

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January 31, 2006

MEMORANDUM

TO: Executive and Administrative Officers

FROM: Paul R. Corts 
Assistant Attorney General
for Administration

SUBJECT: Designation of Program Managers and Post-Employment Restrictions

Attached is a Procurement Guidance Document that was issued by the Department's Senior Procurement Executive that requires the designation of Program Managers and Deputy Program Managers for contracts over \$10 million. The Procurement Integrity Act contains a post-employment restriction for certain persons involved in contracts valued at over \$10 million. One of the categories includes Program Managers and Deputy Program Managers. The Federal Acquisition Regulation (FAR) does not contain a definition of these positions.

We have defined the position of Program Manager as the highest level employee in the program office who exercises authority on a day-to-day basis to manage a contract having a value in excess of \$10 million. The Deputy Program Manager should be the person who normally acts as the Program Manager in his or her absence. The Program Manager or the Deputy Program Manager may or may not also be serving as the Contracting Officer's Technical Representative on that contract.

It is important for people who perform Program Manager duties to understand the post-employment restrictions to avoid violations of the Procurement Integrity Act when they leave government service. I am requesting your assistance in getting this information to those personnel who work as Program Managers and to arrange for the formal designation of those personnel where appropriate as Program Managers and Deputy Program Managers on current and future contracts over \$10 million. A sample designation memorandum is attached to the Procurement Executive's guidance document.

If you have any questions about how this provision applies, you should call the Departmental Ethics Office on (202) 514-8196.