

OFFICE OF GOVERNMENT ETHICS

90 X 18

Memorandum issued October 31, 1990,  
from Stephen D. Potts, Director, Office of  
Government Ethics  
and Alan V. Burman, Administrator,  
Office of Federal Procurement Policy  
to Designated Agency Ethics Officials,  
Procurement Executives, General Counsels  
and Inspectors General  
Regarding Procurement Integrity

"PROCUREMENT OFFICIALS" AND "COMPETING CONTRACTORS"

Except for the prohibitions on unauthorized disclosure of proprietary and source selection information that apply to anyone, prohibitions in Section 27 apply to those who serve as procurement officials and to competing contractors.

The term "procurement official" refers to any officer or employee of an agency who has participated personally and substantially in any of the following with respect to a particular procurement:

- Drafting, or reviewing and approving, a certification or statement of work;
- Preparing or developing a procurement or purchase request;
- Preparing or issuing a procurement solicitation;
- Evaluating bids or proposals or selecting sources;
- Negotiating to establish the price or terms and conditions of a contract or contract modification;
- Reviewing and approving the award or modification of a contract.

This definition extends to contractors, subcontractors, consultants, experts and advisers acting on behalf of, or providing advice to, an agency with respect to a procurement. The interim regulations make it clear that one does not become a procurement official solely by performing clerical functions, by general technical, engineering or scientific efforts having broad application, or by reviewing procurement documents solely to determine compliance with regulatory, administrative and budgetary requirements and procedures. The regulations also exclude from the definition of a procurement official those who participate solely on Federal advisory committees, agency level boards and panels and in certain studies conducted under OMB Circular A-76 procedures.

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