

**BY ORDER OF THE COMMANDER
AIR EDUCATION AND TRAINING
COMMAND**



**AIR EDUCATION AND TRAINING
COMMAND INSTRUCTION 90-105**

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

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: HQ AETC/A5R

Certified by: HQ AETC/A5R
(Colonel Philip Wielhouwer)

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This instruction implements AFPD 90-1, *Policy Formulation, 6 October 2010*. AFPD 90-1 sets forth procedures and responsibilities for arranging and monitoring official visits of contractors to all HQ AETC personnel. This publication does not apply to Air Force Reserve Command or Air National Guard units. This publication may be supplemented at any level, but all direct Supplements must be routed to the OPR of this publication for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command to AETC/A5R e-mail: AETC.A5.Workflow@us.af.mil. See Attachment 1 for a glossary of references and supporting information.

SUMMARY OF CHANGES

This revision changes office symbols throughout and modifies guidance for the contractor visit process. Modifications include: contractors should meet with HQ AETC Directors or Special Staff prior to meeting with the AETC Commander or Vice Commander. When a contractor visit is scheduled with the HQ AETC Commander or Vice Commander, AETC Directors and/or Special Staff may also be invited to attend (as required). Contractor visits scheduled with HQ AETC general officers require recommendations from applicable functional area Program Managers (PM) and/or Subject Matter Experts (SME).

Section A—Responsibilities

1. Overview:

1.1. Contractor visits to HQ AETC personnel are a matter of command interest. The AETC mission can be positively impacted through AETC's interaction with industry, but there are specific rules for such encounters. All AETC personnel who interact with contractors have an ethical responsibility when facilitating or arranging contractor visits. AETC personnel must be aware of these rules to avoid ethics or procurement integrity violations.

1.2. The requirements in this instruction govern contractor visits with HQ AETC personnel. All HQ AETC organizations will comply with these rules and policies when responding to requests for contractor visits.

2. Specific Responsibilities:

2.1. HQ AETC/A5R is office of primary responsibility (OPR) for AETC's Contractor Visit Program and will coordinate contractor visits for the AETC Commander, Vice Commander, HQ AETC/A2/3/10 and HQ AETC/A5/8.

2.2. All other AETC organizations will manage contractor visits to their personnel using their own internal procedures. The procedures will include a Contractor Visit Questionnaire. Sample questionnaire is provided at Figure 1. Organizations may develop local questionnaires as needed to meet individual organization needs. AETC/A5R will provide additional guidance or assistance to all AETC organizations, if requested.

2.3. AFICA/KTX (Contracting) IAW Air Force Installation Contracting Agency (AFICA) and HQ AETC Memorandum of Agreement (MOA) para 6.1.2.1, AFICA will provide recommendations on procurement issues which should not be discussed during contractor visits. Additionally, AFICA/KTX should provide a list of other known procurement actions the contractor is involved with that supports AETC and/or the Air Force.

2.4. AETC/JA will provide legal advice on procurement integrity and ethics matters.

Section B—Procedures for Contractor Visits

3. Contractor Visits to AETC Commander, Vice Commander, HQ AETC/A2/3/10 and HQ AETCA5/8:

3.1. Due to the demanding schedule of AETC senior leaders, it is important to ensure their time is spent on mission critical issues. Contractor visit requests to AETC Commander and Vice Commander should first be vetted through appropriate AETC Directorate(s) and Special Staff for concurrence or recommendation to defer visit to Directorate level or below. Hosting organizations should afford opportunities to consolidate contractor visits with other directorates to maximize the use of Headquarters staff's time.

3.2. Requests for contractor visits to AETC Commander and Vice Commander, HQ AETC/A2/3/10 and HQ AETC/A5/8 are generally received by either the General Officer directly, their administrative staff or by HQ AETC/A5R. The general officer's administrative staff will refer contractor visit requests to HQ AETC/A5R. When a visit is scheduled with AETC Commander and Vice Commander, a tasker from the Command Section will be created, to include: company's point of contact, telephone number, e-mail,

and proposed date and time of the visit. Additionally, the tasker will list required documents to be provided to the Command Section. HQ AETC/A5R should be allowed a minimum of 15 working days to coordinate a package for contractor visits with general officers. When short notice visits occur, HQ AETC/A5R and appropriate AETC Directorate(s) and Chief(s) of Special Staff will expedite the vetting/coordination process as required.

3.3. Visits by consultants and/or retired military seeking to introduce contractor personnel to senior leaders in AETC are not considered personal visits. Coordinate such visits IAW this instruction.

3.4. Upon receipt of a contractor visit request, HQ AETC/A5R will forward the contractor visit questionnaire (Figure 1) to the visiting contractor.

3.5. HQ AETC/A5R will forward completed questionnaire to HQ AETC/JA and AFICA/KTX for their review. Additionally AFICA/KTX will identify all known business dealings the contractor has with AETC and/or the Air Force, to include verification of any ongoing AETC source selections that could present the appearance of a conflict of interest. HQ AETC/JA and AFICA/KTX will provide their recommendations in support of the contractor visit to HQ AETC/A5RT.

3.6. HQ AETC/A5R will coordinate with Directorates and Special Staff to determine what functional areas should be represented to support the visit.

3.7. HQ AETC/A5R will provide background information to the office hosting the visit, via e-mail and/or response to tasker incorporating all required documents including but not limited to:

3.7.1. Visit Summary

3.7.2. Briefing Slides and other company information

3.7.3. Biographies of contractor representatives

3.7.4. Recommendations provided by HQ AETC /JA

3.7.5. Recommendations provided by AFICA/KTX

3.7.6. Event Binder documents as directed by AETC Command Section Staff

3.7.7. AETC Form 20, Request for Briefing. (AETC Form 20 is prescribed by AETCI 90-102, Conferences, Workshops, Briefings, and Video Teleconferences. Refer to that publication for guidance on filling out the form).

3.7.8. HQ AETC/A5R will contact AETC International Affairs (IA) if visiting contractor is from a foreign country or concerns a Security Cooperation, Security Assistance Program or other international program.

3.7.8.1. Contractors (U.S. or foreign) representing a foreign government or international organization must have the foreign government submit a Foreign Visit Request for approval per AFI 16-201 para 5.3.1.

3.7.8.2. Foreign contractors not representing their government will provide a visit request memo to HQ AETC/IAD and include the following information: proposed dates of visit, facility to be visited, points of contact, purpose of visit, and each visitor's name, rank, position, organization of assignment, date of birth, citizenship,

place of birth, security assurances and identification or passport number. AETC/IAD will then coordinate installation access with the 502 ABW foreign disclosure POCs.

3.7.8.3. Foreign governments are required to submit foreign visit requests for US citizens acting on their behalf when visiting HQ AETC.

3.8. HQ AETC/A5R and/or Sponsors of visiting Contractors who are non DOD cardholders, will notify 902 SFS Visitor Control Center 48 hours prior to visitor(s) arrival (DSN 487-3939-email: 902sfs.vrc@us.af.mil). If arrival is short notice or during non-duty hours, contact the Law Enforcement Desk at DSN 487-5700.

Section C—Rules for Contractor Visits

4. General Information. Former Department of Defense (DoD) employees (either retired or separated, military or civilian) often secure jobs with contractors who seek to do business with the Air Force. Typically, these former employees will request an audience with directors or headquarters staff to establish relationships or facilitate an exchange of information. When a visit request is received, HQ AETC personnel will follow guidance set forth in paragraph 2 through paragraph 17 of this instruction.

5. Standards of Conduct. Government officers and employees will conduct government business in a manner above reproach--with complete impartiality and preferential treatment for none—as dictated by mandatory and regulatory standards of ethical conduct. The general rule requires all government officers and employees to strictly avoid any conflict of interest or appearance of a conflict of interest in government-contractor relationships. See Federal Acquisition Regulation (FAR) 3.101, *Standards of Conduct*, and Executive Order 11222 of May 8, 1965, *Prescribing Standards of Ethical Conduct for Government Officers and Employees*.

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

6.1. **Verification.** The OPR responsible for responding to the request of a retired general officer or a retired SES to visit AETC on behalf of a contractor will verify the retirement date and agency from which the general officer or SES retired. If the retirement date is 1 year or less, and the individual has retired from the Air Force, the 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.

6.2. **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:

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

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

6.3. **Violations.** The OPR should refer contractor visits by personnel who may be in violation of these rules to HQ AETC/JA for a legal recommendation regarding the propriety of the visit.

7. 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:

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

7.2. The OPR will notify the appropriate contracting squadron when a request for a contractor visit is received. The contracting squadron will research ongoing source selections and other procurement actions to determine whether the contractor visit might have a negative impact on the procurement action. In particular, postpone any request from a participating contractor in a source selection to visit or brief the source selection authority (SSA) or technical advisors until after the award of the contract.

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

8. 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:

8.1. 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.

8.2. 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.

8.3. 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 United States) 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 D—Rules on and Prohibitions Against Disclosure of Government Information

9. 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. When disseminating information to interested contractors, provide all the same information to them at the same time. This is the preferred method (and legally the most prudent).

10. Prohibition Against Disclosure of Nonpublic 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.

11. 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 FAR 3.104-4(a). **Note:** This is information related to a specific source selection.

12. 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 information:

12.1. On plans that would provide undue or discriminatory advantage to private or personal interests.

12.2. Received in confidence from an offeror.

12.3. Otherwise requiring protection under DoD 5400.7-R/AF Supplement, *DoD Freedom of Information Act Program*, or AFI 33-332, *Privacy Act Program*.

12.4. Pertaining to internal agency communications; for example, technical reviews, contracting authority or other reasons, or recommendations referring thereto.

13. Prohibition Against Release of Information About a Procurement Before Solicitation is Issued. Do not release information concerning proposed acquisitions outside the government before solicitation except for presolicitation notices in accordance with FAR 14.205 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, restrict the release of such information to those having a legitimate interest in the information. Release information to all prospective bidders at the same time (if possible), so one prospective bidder is not given unfair advantage over another (FAR 14.211[a]).

14. 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).

15. Intelligence. Comply with AFI 14-303, *Release of Intelligence to US Contractors*, when releasing intelligence to contractors.

16. Classified Material. If a visiting contractor proposes discussion of any classified material, the hosting office will 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*.

DAWN M. DUNLOP, Brigadier General, USAF
Director of Plans, Programs, and Requirements

ATTACHMENT 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Executive Order 11222, *Prescribing Standards of Ethical Conduct for Government Officers and Employees*, May 8, 1965

Federal Acquisition Regulation (FAR), March 2005

Title 18 U.S.C., Section 203, *Compensation to Members of Congress, Officers, and Others in Matters Affecting the Government*

Title 18 U.S.C., Section 205, *Activities of Officers and Employees in Claims Against and Other Matters Affecting the Government*

Title 18 U.S.C., Section 207, *Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches*

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 5500.7-R, *Joint Ethics Regulation (JER)*, 17 November 2011

DoD 5400.7-R/AF Supplement, *DoD Freedom of Information Act Program*, 21 October 2010

DoD 5220.22-M-Sup 1, *National Industrial Security Program Operating Manual Supplement*, February 1995

AFPD 90-1, *Policy Formulation*, 6 October 2010

AFI 14-303, *Release of Intelligence to US Contractors*, 1 April 1999

AFI 33-332, *Air Force Privacy Act Program*, 5 June 2013

AETCI 90-102, *Conferences, Workshops, Briefings, and Video Teleconferences*, 12 June 2013

AETCI 90-401, *Notification of Distinguished Visitors to AETC Installations*, 7 February 2001

Air Force Installation Contracting Agency (AFICA) and HQ AETC Memorandum of Agreement (MOA), 6 March 2014

Prescribed Forms

None

Adopted Forms

AF847, Recommendation For Change of Publication

Abbreviations and Acronyms

DoD—Department of Defense

AFICA—Air Force Installation Contracting Agency

FAR—Federal Acquisition Regulation

OPR—office of primary responsibility

SES—Senior Executive Service

U.S.C.—United States Code

SME—Subject Matter Experts

PM—Program Manager

Attachment 2

SAMPLE VISIT CONTRACTOR QUESTIONNAIRE

Figure A2.1. AETC Contractor Visit Questionnaire

AETC CONTRACTOR VISIT QUESTIONNAIRE

NOTE:

If a tentative date and time is established for the requested visit, it will not be confirmed until after ALL the information below is provided. Command policy allows a minimum of 15 days (3 work weeks) to coordinate a staff package, including contracting and legal coordination, after ALL the information below is received.

Date of Request: _____

Name of Company: _____

Company Address: _____

COMPANY POINT OF CONTACT INFORMATION:

NAME: _____

PHONE NUMBERS: _____

E-MAIL ADDRESS _____

Please provide the following information for your visit request:

1. A complete list of individuals in the visiting party, in order of highest to lowest positions:

| NAME | TITLE | FORMER RANK / DATE |
|---------|-------|--------------------|
| RETIRED | | |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

2. Individual(s) with whom visit is requested:

| NAME | REQUESTED LENGTH OF VISIT |
|-------|---------------------------|
| _____ | _____ |
| _____ | _____ |

3. Proposed dates of visit (Please include several options):

4. **Proposed topics for discussion:**
5. **What are the anticipated results of the visit?**
6. **Please summarize the potential benefit to the Air Force and/or AETC's mission from your visit.**
7. **List of equipment/technical support required:**
8. **Please attach the following items to this visit request:**
 - a. **Biographies of all attendees**
 - b. **Copies of slides or briefing materials which will be presented.**
 - c. **Background information about the company (if applicable)
(Information from website can be utilized; if this is what you want, please indicate website)**
 - d. **List of contracts you currently have with AETC**

**Note: All required items MUST be provided before the coordination process can begin.
*Please limit emails to 7MB to prevent transmission problems.**

9. **Is your company or any division of your company currently involved in any AETC source selection, RFP, or RFI (or in another Air Force agency's source selection for a product or service that AETC will be a customer of)? If so, request you identify the source selection and the cognizant contracting officer, office symbol and telephone number.**
 - a. **Name of Source Selection:**
 - b. **Name, office symbol and contact information of cognizant contracting officer:**
10. **Request limiting proprietary information in briefing materials.**