

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



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

09 JULY 2019

Special Management

**MANAGEMENT OF CONTRACTOR
VISITS TO HEADQUARTERS, AIR
EDUCATION AND TRAINING
COMMAND**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFPD 90-1, *Policy, Publications and DOD Issuance Management*. This publication sets forth procedures and responsibilities for arranging and monitoring official visits of contractors to all HQ AETC personnel. This publication applies to all individuals whom work within the HQ AETC. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). 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/A5X at AETC.A5X.Workflow@us.af.mil. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items. 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: Updated AETC Deputy Commander and HQ AETC Directorates' office symbols. Updated scheduling process using the Fully Integrated Resource Scheduling Tool (FIRST) for visits involving AETC Commander and AETC Deputy Commander.

Section A—Responsibilities	3
1. Overview:.....	3
2. Specific Responsibilities:.....	3
Section B—Procedures for Contractor Visits	3
3. Contractor Visits to AETC Commander, Deputy Commander, HQ AETC/A3/6, and HQ AETCA5/8:	3
Section C—Rules for Contractor Visits	5
4. General Information.	5
5. Standards of Conduct.	5
6. Visits by Retired General Officers (GO) and Senior Executive Service (SES) Personnel:.....	5
7. Contractor Visits Involving a Potential Violation of the Procurement Integrity Act.	6
8. Contractor Visits Involving Other Potential Violations of Post-Government Employment Restrictions.....	6
Section D—Rules on and Prohibitions Against Disclosure of Government Information	7
9. Prohibition Against Giving Preferential Treatment	7
10. Prohibition Against Disclosure of Nonpublic Information.....	7
11. Prohibition Against Disclosure of Information Related to a Source Selection.....	7
12. Prohibition Against Disclosure of Advance Procurement Information	7
13. Prohibition Against Release of Information About a Procurement Before Solicitation is Issued	7
14. Trade Secrets Act.	7
15. Classified Material.....	8
16. Release of Controlled Unclassified Information and Classified Military Information.	8

Attachment 1—GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION	9
Attachment 2—AETC CONTRACTOR VISIT QUESTIONNAIRE SAMPLE	11

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 HQ AETC personnel who interact with contractors have an ethical responsibility when facilitating or arranging contractor visits and 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/A5X is office of primary responsibility (OPR) for AETC's Contractor Visit Program and will coordinate contractor visits for the AETC Commander, Deputy Commander, HQ AETC/ A3/6 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 at [Table A2.1](#)). Organizations may develop local questionnaires as needed to meet individual organization needs. AETC/A5X will provide additional guidance or assistance to all AETC organizations, if requested.

2.3. AFICC/KTX (Contracting) IAW Air Force Installation Contracting Center (AFICC) and HQ AETC Memorandum of Agreement (MOA) paragraph 6.1.2.1, AFICC will provide recommendations on procurement issues which should not be discussed during contractor visits. Additionally, AFICC/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, Deputy Commander, HQ AETC/A3/6, and HQ AETCA5/8:

3.1. Due to the demanding schedule of HQ AETC senior leaders, it is important to ensure their time is spent on mission critical issues. Contractor visit requests to AETC Commander and Deputy Commander should first be vetted through appropriate HQ 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, Deputy Commander, HQ AETC/A3/6, and HQ AETC/A5/8 are generally received by either the General Officer directly, their administrative staff, or by HQ AETC/A5X. The General Officer's administrative staff will refer contractor visit requests to HQ AETC/A5X. When a visit is scheduled with AETC Commander and/or Deputy 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/A5X 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/A5X and appropriate HQ 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/A5X will forward the contractor visit questionnaire (**Table A2.1**) to the visiting contractor.

3.5. HQ AETC/A5X will forward completed questionnaire to HQ AETC/JA and AFICC/KTX for their review. Additionally, AFICC/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 AFICC/KTX will provide their recommendations in support of the contractor visit to HQ AETC/A5X.

3.6. HQ AETC/A5X will coordinate with Directorates and Special Staff to determine what functional areas should be represented to support the visit.

3.7. HQ AETC/A5X 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 AFICC/KTX.

3.7.6. All documents as directed by AETC Command Section Staff.

3.8. Meetings with AETC/CC and AETC/CD will be scheduled using the Fully Integrated Resource Scheduling Tool (FIRST). Meeting location and read-ahead documents will be provided using FIRST as directed by AETCI 90-102, *Conferences, Workshops, Briefings, and Video Teleconference*.

3.9. HQ AETC/A5X 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.

3.9.1. 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 paragraph 5.3.1.

3.9.2. 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.

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

3.10. HQ AETC/A5X and/or sponsors of visiting Contractors who are non-DOD cardholders, will notify 902 SFS Randolph Visitor Control Center 48 hours prior to visitor(s) arrival (commercial 210-652-3939, 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, commercial 210-652-5700.

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 16 of this instruction.

5. Standards of Conduct. Government officers and employees will conduct government business in a manner above reproach--with complete impartiality and non-preferential treatment--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 (GO) and Senior Executive Service (SES) Personnel:

6.1. Verification. The OPR responsible for responding to the request of a retired GO or a retired SES to visit AETC on behalf of a contractor will verify the retirement date and agency from which the GO 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 GOs 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 requests from a participating contractor in a source selection to visit or brief the source selection authority (SSA) or technical advisors until after 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. 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*.

16. Release of Controlled Unclassified Information and Classified Military Information. All Controlled Unclassified Information and Classified Military Information proposed for presentation or permanent hard-copy and/or digital/soft-copy transfer to foreign contractors (to include American citizens) and/or foreign personnel will be submitted to a HQ AETC/IAD Foreign Disclosure Officer for a foreign disclosure review prior to release of the material.

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Deputy 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*, 07 March 2018

AFI 16-201, *Air Force Foreign Disclosure and Technology Transfer Program*, 01 May 2019

AFI 33-332, *Air Force Privacy Act Program*, 05 June 2013

AETCI 90-102, *Conferences, Workshops, Briefings, and Video Teleconferences*, 26 June 2018

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

Prescribed Forms

No Forms Prescribed

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

DoD—Department of Defense

AFICC—Air Force Installation Contracting Center

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

AETC CONTRACTOR VISIT QUESTIONNAIRE SAMPLE

Table A2.1. AETC Contractor Visit Questionnaire Sample.

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:

<u>NAME</u>	<u>TITLE</u>	<u>FORMER RANK</u>	<u>DATE RETIRED</u>
_____	_____	_____	_____
_____	_____	_____	_____

Note: Should the visiting party change please notify us as soon as possible, prior to the visit.

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

<u>NAME</u>	<u>REQUESTED LENGTH OF VISIT</u>
_____	_____
_____	_____
_____	_____

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

- a.
- b.
- c.

4. Proposed topics for discussion:
 - a.
 - b.
 - c.
 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:
 - a.
 - b.
 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 (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.