

UNITED STATES MARINE CORPS
Offices of the Staff Judge Advocate and Counsel, MCCDC, MCB
Marine Corps Combat Development Command
Quantico, VA 22134-5001

**POST-GOVERNMENT SERVICE EMPLOYMENT
RESTRICTIONS QUESTIONNAIRE**

I. INTRODUCTION

Please complete this questionnaire if you are either contemplating separation, or have already separated, from the Department of Defense (DOD), and you are seeking a legal opinion from your Agency's Ethics Counselor concerning your intention to accept compensation from a defense industry contractor within two years after separation. It is important to be aware that many contractors require former government employees to produce an ethics opinion at, or prior to, the employment interview. You are responsible for determining which post-Government service employment activities you may legally pursue. Ethics counselors, however, will advise and assist you.

Accordingly, submission of this questionnaire, and any other information necessary for this determination, should be made at least 60 days in advance of your anticipated separation date, or 45 days prior to the date you intend to contact a defense contractor for employment purposes. In order to provide you with an accurate opinion, answer all questions exhaustively.

If a question is not applicable to your situation, mark it "N/A" -- do not leave it blank. If you require additional space to answer a question, please use a separate sheet of paper, numbering the answer to correspond to the question. Legibility is important, so please either type or print your answers. To make this questionnaire more understandable and more easily completed, please read the attached memo entitled, Legal Advice Memorandum Concerning Post-Government Employment Restrictions.

II. BACKGROUND

1. Name, rank or title, home address and telephone number:

2. Current Status (check applicable blocks):

_____ Active Duty _____ Reserve _____ Retired Military

_____ Civilian Employee _____ Retired Civilian

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3. Current Position (former military position if retired):

4. Office/Code/Telephone Number:

5. Date of Request:

6. Anticipated date of separation from DOD (actual date if retired):

7. Provide a detailed narrative of the positions you have held during the past three years, with particular emphasis on projects, contracts, initiatives, or other matters that required your "**personal and substantial**" attention or supervision (see below for definition). Please note dates of assignment for each position held. (If needed, please attach a separate piece of paper.)

FAR 3.104-3 defines "**participated personally and substantially**" as active and significant involvement in activities directly related to the procurement, to include: (1) drafting, reviewing, or approving the specification or statement of work for the procurement; (2) preparing or developing the solicitation; (3) evaluating bids or proposals, or selecting a source; (4) negotiating price or terms and conditions of the contract; and (5) reviewing and approving the award of the contract. To participate "personally" means to participate directly, and includes the direct and active supervision of a subordinate's participation. To participate "substantially" means that the employee's involvement is of significance to the matter.

Supervisors: "Personal participation" refers to actions of a subordinate when actually directed by the supervisor. To participate "personally" includes the direct and active supervision of a subordinate's participation. Substantial participation requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. However, participation in a single critical step may be "substantial."

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8. In your response to question 7 above, briefly list the names of major Marine Corps, Department of the Navy, or Department of Defense projects or programs that involved your "personal and substantial" participation during the past three years.

9. In your response to question 7 above, please identify each contract with which you were "personally and substantially" involved.

10. In your response to question 7 above, please identify each of the following activities you performed during the last three years: program manager, contracting officer or administrative contracting officer, contracting officer's representative (COR), member of a contract award evaluation team, cost analyst for a contract award or audit, requirement identifier or developer, source selection authority, contract negotiator, ordering officer placing task or delivery orders under a contract, developer of contract modifications, or provided input for a contract claim, settlement, or modification.

11. Please provide a copy of the position description or a Table of Organization number and description for each position you held during the last three years.

Date(s)

Position

III. POST-RETIREMENT EMPLOYMENT PLANS

1. Do you intend to seek employment with any defense contractors following your separation from active duty?

_____ **YES**

_____ **NO**

2. If so, identify the name of each contractor:

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3. Have you been contacted by any defense contractor for the purposes of employment following separation from active duty?

_____ **YES**

_____ **NO**

4. If so, indicate the name of each contractor who has contacted you:

5. What duties do you expect to perform for the interested contractor(s):

6. Is there any particular matter in which you were personally and substantially involved, or was pending under your official responsibility, while you were a Government employee, and for which you may be called to make an appearance before any employee of the United States on behalf of a contractor or any other entity?

_____ **YES**

_____ **NO**

7. If you answered "yes" to question 6, please describe in detail.

8. Do you intend to take terminal leave?

_____ **YES**

_____ **NO**

9. If so, do you intend to work during your terminal leave?

_____ **YES**

_____ **NO**

10. If you work during terminal leave, what duties would you be expected to perform?

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11. While on terminal leave, will the duties you expect to perform require you to represent another party in a claim or particular matter in which the United States is a party, or has a direct and substantial interest?

_____ **YES**

_____ **NO**

12. If so, please explain.

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IV. POST-GOVERNMENT SERVICE EMPLOYMENT RESTRICTIONS

1. Have you sought employment with any contractor who had a financial interest in any matter in which you have, or had, personal and substantial involvement?

_____ **YES**

_____ **NO**

2. If so, on a separate sheet of paper, please explain in detail the circumstances of the contractor's financial interest, the employment discussions, the extent of your personal and substantial involvement, and the contract amount, if any.

3. Have you had any involvement in a federal contract whose total award exceeded \$10,000,000?

_____ **YES**

_____ **NO**

4. If so, please identify the contract by number, by department/division/activity, by contractor, and by your involvement.

5. Did you participate personally and substantially in any trade or treaty negotiations within the past year?

_____ **YES**

_____ **NO**

6. If so, please explain.

7. Do you plan to work for a foreign government?

_____ **YES**

_____ **NO**

8. If so, please provide the details of your future employment plans.

V. PREVIOUS REQUEST FOR ETHICS OPINION

1. Have you had any previous requests for an ethics opinion with regard to your post-government service employment plans?

_____ **YES**

_____ **NO**

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2. If so, please provide a detailed explanation concerning the circumstances of the previous request on a separate sheet of paper.

VI. CERTIFICATION

I certify that the above information is true and correct to the best of my knowledge. I understand that this information will be used by my Agency's Ethics Counselor to provide a post-government service employment opinion, and that a copy of this response will be maintained in official files for future reference as needed.

Date

Name