

Instructions and Format for Certification of No Conflict and Disqualification Letter

PRIVACY ACT STATEMENT

AUTHORITY: PRIVACY ACT OF 1974 (5 U.S.C. 552(A)(7)), 18 U.S.C. 207, 5 C.F.R. 2637.101 and 5 C.F.R. 2641.101, AFI 33-332.

PRINCIPAL PURPOSE: To enable individuals to create their own certifications of no conflict and disqualification letters for pursuit of post-governmental employment before a Firm Offer of Employment is made by the employer.

ROUTINE USE: Information provided to an ethics counselor is not confidential. The ethics counselor is the government's representative. There is no attorney-client relationship established between the ethics counselor and the individual, and the ethics counselor may not act as an attorney on behalf of anyone submitting this information. It will be retained for six years and will be available to ethics counselors, finance personnel, and other appropriate personnel responsible for compliance with post-government employment restrictions.

INSTRUCTIONS

1. Formal 30-day letters and 207 opinions are only created for firm-offers of employment that are Contingent upon receipt of such letters. These instructions and forms provide the employee with documents they can provide a potential employer before a firm-offer is made.
2. A Certification of No Conflict requires the creation of two letters: a Disqualification Letter and a Certification of No Conflict Letter.
3. The Disqualification Letter should be completed first and presented to the federal employee's supervisor for consideration.
4. The supervisor then must send the signed letter to an Ethics Counselor for review. At Eglin AFB, the ethics counselors are part of the Eglin Legal Office (2-4611).
5. Once the Disqualification Letter is signed by the Ethics Counselor it will be returned to the supervisor and the employee.
6. The employee can next create the Certification of No Conflict and attach the signed Disqualification Letter. These two letters are provided to the potential post-governmental employer as proof of no conflicts of interest.

FEDERAL GOVERNMENT EMPLOYEE
CERTIFICATE OF NO-CONFLICT

DATE _____

Your Name
Your Organization
Your Address
City, State ZIP

Company Name
Company Address
City, State ZIP

I certify that:

- 1) I have been involved in a pending federal agency procurement in which *Company Name* is or was an offeror or bidder
YES NO
 - If YES:
 - i. Identify the matter by name and/or contract number:
 - ii. Provide dates of such involvement:

- 2) I have been involved in a contract or other particular matter which may have a direct and predictable effect on the financial interests of *Company Name*.
YES NO
 - If YES:
 - i. Identify the matter by name and/or contract number(s):
 - ii. Provide dates of such involvement

- 3) If I have answered YES to either of the above questions, the highest dollar value of any matter I have been involved in within the past twelve months is:
OVER \$10 Million \$10 Million or UNDER N/A

I have provided notification and disqualified myself from any future participation in any federal agency procurement in which *Company Name* is or may be an offeror or bidder, and from future participation in any contract or other particular matter which may have a direct and predictable effect on the financial interests of *Company Name*.

This certification includes all subsidiaries and business units of *Company Name*.

A copy of my written disqualification letter is attached to this certification.

Signature: _____

[DATE]

MEMORANDUM FOR *[insert supervisor name and organization]*

FROM:

SUBJECT: Disqualification Statement (Seeking Post-Government Employment)

1. In accordance with 18 U.S.C. § 208 (a criminal statute), 5 C.F.R. §§ 2635.604 and 606, and § 17 of the Stop Trading on Congressional Knowledge Act of 2012 ("STOCK Act"), I am notifying you that I intend to enter into employment discussions with *[Employer]* commencing *[date]*. To avoid any possibility of a conflict of interest and to permit an orderly transition of responsibilities, I request that I be excluded from, and relieved of, all matters and responsibilities which may have a direct and predictable effect on the financial interests of my prospective employer(s). I will refer any matter brought to me concerning these persons or companies to *[insert name(s) of person(s) who will review these matters]* for appropriate action.

2. This disqualification remains in effect until further notice. In the event circumstances change, such as if I reject the possibility of employment with one of the listed entities, or if I receive no response two months after submitting my resume, I will consult an ethics counselor, update this memorandum, and notify all relevant parties.

I file:

- the Public Financial Disclosure form (OGE 278)
- the Confidential Financial Disclosure form (OGE 450)
- no financial disclosure form.

[Signature block of employee]

FROM: [unit commander/director/supervisor]

[date]

TO: [unit designation] (rank name)

_____ Approved. It is incumbent upon you to ensure that your employment discussions do not create a conflict of interest, or the appearance of such a conflict. You will not take part in your governmental capacity, through decision, approval, disapproval, recommendation, giving advice, investigation, or otherwise, in any government matter involving a company or organization with whom you are discussing employment. Should any question arise regarding the propriety of your employment discussions, you are to immediately seek advice from the Office of Counsel.

_____ Disapproved.

[Signature block of Approval Authority]

CC:

RECEIVED: _____ Date: _____
Ethics Counselor