

15.01.02 Federal Procurement Integrity Act

Approved December 19, 1995
Revised August 6, 1999
Revised January 24, 2011
Next Scheduled Review: January 24, 2013



Regulation Statement

The requirements of the Office of Federal Procurement Policy Act Amendments of 1988, as amended (codified at 41 U.S.C. 423, and hereafter referred to as “the Act”), relate to contractors who seek procurement contracts from the federal government in order to provide the government or one of its agencies with goods or services. The majority of such relationships that involve The Texas A&M University System (system) or its members are those for federally funded research.

Reason for Regulation

System member chief executive officers (CEOs) are responsible for compliance with the Act. This regulation establishes procedures to help mitigate the likelihood of noncompliance.

Procedures and Responsibilities

1. GENERAL

- 1.1 The Act provides that neither the system nor any officer, employee, agent, representative and/or consultant of the system may knowingly, directly or indirectly:
- (a) make any offer or promise of future employment or business opportunity to, or engage in any discussion of future employment or business opportunity with, any federal procurement officer;
 - (b) offer, give or promise to offer or give any money, gratuity or other thing of value to any federal procurement officer; or
 - (c) solicit or obtain from any officer or employee of a federal agency, prior to the award of a contract, any proprietary or source selection information regarding such procurement.
- 1.2 Failure to comply with the Act can result in personal liability and penalties. Criminal penalties for violations of the Act include personal imprisonment up to five (5) years. Civil penalties can result in personal fines of up to \$50,000 for each violation plus

twice the amount of compensation which the individual received or offered for the prohibited conduct. Organizational penalties are also possible.

2. ADMINISTRATION

CEOs are responsible for establishing procedures to comply with the Act, including the requirement to obtain a written certification of compliance from each officer, employee, agent, representative and/or consultant of the system who personally and substantially participates or will participate in the preparation or submission of a bid or offer under the Act. The certification must state that the participant (1) is familiar with and will comply with the requirements of the Act, and (2) will report immediately any information concerning a violation of the Act. A suggested format for the certificate is available online (see Related Statutes, Policies, or Requirements section).

Related Statutes, Policies, or Requirements

[41 US Code, Chapter 7, Section 423, *Public Contracts – Office of Federal Procurement Policy, Restrictions on Disclosing and Obtaining Contractor Bid or Proposal Information or Source Selection Information*](#)

[Federal Procurement Integrity Act Certification](#)

Contact Office

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