



# **PRACTICAL GUIDE TO COMMON ETHICS QUESTIONS**

**May 2007**

**American Council for Technology  
Industry Advisory Council  
Acquisition Shared Interest Group  
Ethics Task Force**

## INTRODUCTION

The mission of the American Council for Technology/Industry Advisory Council (ACT/IAC) is to assist the government in using information technology resources effectively by providing a forum where government and industry executives can collaborate on issues of mutual interest. This public-private collaboration offers significant benefits to both government and industry.

There are a number of statutes and regulations that govern the standards of conduct between federal government agencies and industry that are intended to ensure that their interactions do not present an actual or apparent conflict of interest. It is the responsibility of both government and industry to ensure they comply with these rules.

One of ACT/IAC's most fundamental principles is that its activities be conducted in a manner that is ethical, objective, and transparent. To this end, ACT/IAC has developed a program to provide relevant information to ACT/IAC members on matters related to government Standards of Conduct. This program includes a prominent listing about ethics on the organization's home page ([www.actgov.org](http://www.actgov.org)) with links to:

- The Office of Government Ethics (“OGE”);
- A list of organizations that provide ethics training<sup>1</sup>;
- The IAC Code of Conduct (contained herein); and
- The ACT/IAC "Legal Corner" with discussions of ethics and related issues by our outside counsel.

In addition, the IAC Acquisition Management Shared Interest Group has developed this document to provide practical explanations of some of the most common ethics rules and examples of typical situations that may arise when government and industry interact. The purpose of this document is to educate our members about the potential implications of these interactions. Additional information is available at the OGE website ([www.usoge.gov](http://www.usoge.gov)).

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<sup>1</sup> This list is for information purposes only. ACT/IAC does not endorse or recommend any organization or program.

## **DISCLAIMER**

This document is for information purposes only and does not contain or constitute legal advice. The Standard of Conduct statutes and regulations are complex and each public-private interaction is unique. Moreover, the application and interpretation of the rules can vary by federal agency, and state, local, and municipal governments, and educational institutions may be subject to different rules. Readers are strongly cautioned to consult with their ethics officer and/or legal counsel with regard to these matters.

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## **FURTHER INFORMATION**

For further information, contact the American Council for Technology and Industry Advisory Council at (703) 208-4800 or [www.actgov.org](http://www.actgov.org).

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## **TOPIC: Gifts and Gratuities**

A variety of statutes and regulations prohibit or significantly limit the offering or giving of gifts, entertainment, or anything of value to government employees. This is a major difference between ordinary commercial practice and contracting with the government. Even the appearance of impropriety in this regard can have serious consequences. If in doubt, remember that the safest course of action is to not give or receive gifts, entertainment, or anything of value.

Government employees are subject to restrictions on the gifts they may accept from sources outside the government. These restrictions also apply to the offering of gifts. Generally, government employees may not accept gifts that are given because of their official positions or that come from "prohibited sources" which include persons (or an organization made up of such persons) who:

- Are seeking official action by, are doing business or seeking to do business with, or are regulated by the employee's agency, or
- Have interests that may be substantially affected by performance or nonperformance of the government employee's official duties.

In addition, a government employee can never solicit or coerce the offering of a gift, or accept a gift in return for the performance of an official act. Similarly, a gift may not be offered or provided to a government employee in return for influence in the performance of an official act. A government employee cannot accept gifts so frequently that a reasonable person might think that the employee was using public office for private gain.

There are a number of potential exceptions to the ban on gifts from prohibited sources that may allow a government employee to accept:

- A gift valued at \$20 or less, provided that the total value of gifts from the same person is not more than \$50 in a calendar year
- A gift motivated solely by a family relationship or personal friendship
- Gifts of free attendance at certain widely attended gatherings, provided that the agency has determined that attendance is in the agency's interest
- Modest refreshments (such as coffee and donuts), greeting cards, plaques and other items of little intrinsic value
- Discounts available to the public or to all government employees, rewards and prizes connected to competitions open to the general public
- The receipt of travel expenses for speaking engagements, provided the agency has found that such participation is consistent with the duties and responsibilities of the individual and will serve the interests of the agency

There may be other exceptions, such as for awards and honorary degrees, certain discounts and other benefits, attendance at certain social events, and meals, refreshments and entertainment in foreign countries. Because of the complexity of the rules regarding

these exceptions, it is advisable to consult with the agency ethics officer or legal counsel. Of course, both government employees and government contractor employees should consider the context of any occasion and whether the receipt of such gifts, gratuity or entertainment may appear to be inappropriate, even if technically permitted. Many government contractors place more restrictive limits on their employees than those permitted by law on the offering or giving of gifts to minimize any potential exposure.

If a government employee has received a gift that cannot be accepted, the employee may return the gift or pay its market value. If the gift is perishable (e.g. a fruit basket or flowers) and is not practical to return, the gift may, with approval, be given to charity or shared in the office.

### **TOPIC: Gifts between Government Employees**

Government employees may not give a gift to an official superior nor can an employee accept a gift from another employee who receives less pay, except in certain circumstances. On an occasional basis, the following individual gifts to a supervisor generally are permitted:

- Gifts other than cash that are valued at no more than \$10
- Food and refreshments shared in the office
- Personal hospitality in the employee's home that is the same as that customarily provided to personal friends
- Gifts given in connection with the receipt of personal hospitality that is customary to the occasion, such as marriage, illness or the birth or adoption of a child, or retirement
- Transferred leave, provided that it is not to an immediate superior

Employees may solicit or contribute, on a strictly voluntary basis, nominal amounts for a group gift to an official superior infrequently on a special occasion and for items such as food and refreshments to be shared among employees at the office.

### **TOPIC: Bribes**

- A bribe is giving, offering or promising anything of value to an official to influence that official's performance of his or her job responsibilities.
- It is illegal to bribe an official, a prime contractor on a publicly funded program, or anyone else that may be in a position to decide how public funds are spent.
- Just about anything of value could be considered a bribe if there is a corrupt intent to influence. For example, this may include entertainment, meals, gifts, money, stock, tickets to the theatre or a sporting event, forgiving a debt, making payments or loans, etc. The value of the item is not what matters; offering or giving something to influence an official's actions is what makes it a bribe.

## **TOPIC: Kickbacks**

Government contractors are expected to award orders or contracts to subcontractors and vendors based on full and fair competition to the maximum extent feasible. The Anti-Kickback Act states that no one may provide, solicit or accept any kickback. A kickback is anything of value provided to a prime contractor, a subcontractor, or the employees of either, for the purpose of obtaining, or attempting to influence, the award of a contract or subcontract.

### **Scenario:**

Your company sells ultrasound equipment and holds an all-day meeting at the radiology department in a military treatment facility to demonstrate your new state-of-the-art ultrasound machine. You offer to take the entire radiology department out to a nearby restaurant for lunch, something offered when demonstrating your equipment at all hospitals, both commercial and government. Can your offer to buy lunch be accepted?

### *Discussion:*

A meal is a gift. While an employee may accept a meal that has a value of \$20 or less on a single occasion, provided the aggregate value of all gifts from a given organization does not exceed \$50 within a period of one year, offering to take agency employees out to lunch is generally discouraged. Even if the lunch technically falls within gift limits, it may have the appearance of impropriety. Many government agencies have more restrictive policies prohibiting the acceptance of meals at any cost.

### **Scenario:**

You are attending a conference held in a remote location. At the conclusion of the conference, knowing that the government employee is heading to the airport, you offer him a ride with you in the taxicab to the airport. May the government employee accept such an offer?

### *Discussion:*

The government and industry employees may share the taxicab only if the cost is shared equally.

**Scenario:**

You are a government employee and have been offered ground transportation by a contractor to travel between two work sites during official site visits. May you accept?

*Discussion:*

If the transportation is provided in connection with the performance of the employee's official duties, there would be no gift to the employee personally, but rather a service provided to the agency. The agency would have to determine whether it has authority to accept this benefit.

**Scenario:**

When traveling to Washington, DC in connection with business over the years, a government employee engaged in many business deals with your company frequently treats you to dinner. When the government employee visits you in another city, you reciprocate and offer to pay for the government employee's dinner. Is this permissible?

*Discussion:*

If there is strictly a personal or social relationship between the two parties, it may be permissible for the contractor to pay for the meal provided that no business is discussed, no reimbursement by the contractor is made for the expense, and any review of the matter would substantiate the social or personal relationship between the parties. Absent such a personal relationship, the contractor may not buy the government employee a meal, even though he may have previously purchased a meal for the contractor.

**Scenario:**

Your company hosts a user conference that is open to both commercial customers and government customers. It is the company's practice to give away golf shirts with the company logo on them to all attendees. May you give the golf shirts to government employees in attendance?

*Discussion:*

You may not offer the shirts to government employees if their value exceeds the \$20 limit.

**Scenario:**

Your company has a booth at an industry trade show to showcase its products. At that booth, you offer any attendee a chance in the air chamber to catch as many dollar bills as can be caught within one minute. May a government employee participate in such an event?

*Discussion:*

The government employee may not accept any prize or contest winning unless the event is free and open to the public.

**Scenario:**

Your company, a small business selling peripheral devices for computers, has submitted a proposal to supply those devices under a major government contract to Company B, a large government systems integrator with whom you do not have a pre-existing personal relationship. You invite and offer to pay for Company B's Vice President for Subcontracting to accompany you on a hunting trip to Wyoming. Should Company B's Vice President accept the invitation?

*Discussion:*

The trip should not be offered nor the invitation accepted, as it would be a gift.

**References:**

[http://www.usoge.gov/pages/laws\\_regs\\_fedreg\\_stats/comp\\_fed\\_ethics\\_laws.pdf](http://www.usoge.gov/pages/laws_regs_fedreg_stats/comp_fed_ethics_laws.pdf)

## **TOPIC: Post-Employment Issues**

There are three general categories of post-employment restrictions: (1) current government employees seeking future employment with contractors; (2) former government employees working for or on behalf of contractors; and (3) former contractor employees that are now working in the government.

### **Seeking Future Employment**

A government employee may not participate in a government matter that would affect the financial interests of any contractor with whom the employee is negotiating, or has an arrangement, for future employment. The employee need not be the final decision-maker on any contract matter, serve in any specially designated role (e.g., contracting officer), or perform any specifically designated procurement function to violate this rule. The employee's participation need only be personal and substantial. There are additional requirements for employees who are participating personally and substantially in a procurement function—for example, drafting of the statement of work or evaluating bids or proposals. These employees are obligated to promptly report the employment contact, in writing, and either reject the possibility of employment or recuse themselves from the procurement until the agency has authorized the employee to resume participating on the ground that the prospective employer is no longer a bidder or offeror, or because all employment discussions have terminated.

### **Post-Employment Restrictions**

Executive branch officers and employees may be subject to certain restrictions after they leave government service. Restrictions apply to particular matters the former government employee was involved with while in government service, and are applicable to former officers or employees of the executive branch. They also apply to former senior or very senior employees.

#### *Restrictions Applicable to All Employees*

- *Lifetime Ban on Switching Sides:* If the employee's involvement in a matter was personal and substantial, the employee is permanently barred from representing anyone before any Federal department, agency, or court on that same matter.
- *Two-Year Ban:* If the matter was under the employee's official responsibility during the last year of government service, the employee is barred for two years after leaving government service from representing anyone before the government on that same matter.
- *One-Year Ban on Contractor Compensation:* If an employee worked on a contract in excess of \$10 million, he/she cannot receive compensation from that contractor within one year after the employee: (1) served as a contracting

officer, member of a source selection board, or chief of technical evaluation team; (2) served as a program manager, deputy program manager, or administrative contracting officer; or (3) personally made certain decisions such as approving an award, modification, task or delivery order, establishing overhead, or settling a claim.

### *Restrictions Applicable Only to “Senior Employees”*

Additional restrictions apply to “senior” and “very senior” employees. A “senior” employee is any employee in a position with a rate of pay specified or fixed according to the Executive Schedule, at or greater than level 5 of the Senior Executive Service, or in a position held by an active duty commissioned officer of the uniformed services serving in a grade or rank for which the pay grade is 0-7 or above. It also includes individuals appointed by the President to a position under 3 U.S.C. 105(a)(2)(B) or by the Vice President to a position under 3 U.S.C. 106(a)(1)(A). A “very senior” employee is any employee who was employed in a position at the rate of pay for level I of the Executive Schedule, or in a position in the Executive Office of the President at a rate of pay equal to or greater than the rate of pay for level II of the Executive Schedule.

- *One-Year Cooling-Off Period:* A one-year restriction on former senior employee or “very senior” employee representations to employees of their former agency concerning any matter, regardless of prior involvement.
- *Very Senior Prohibition:* Former very senior employees are prohibited from representing anyone before any individual currently appointed to an Executive Schedule position, regardless of whether that individual is serving in the very senior employee’s former department or agency. The representational bar applies to any matter, regardless of whether it involves a specific party, concerning which the former very senior employee is seeking official action by any current officer or employee of the executive branch.
- *One-Year Foreign Entity Provision:* Former senior and very senior employees are restricted for one year after leaving government service from representing, aiding or advising foreign governments or foreign political parties before an agency or department of the United States Government. Employees who participated personally and substantially in an ongoing trade or treaty negotiations are subject to additional restrictions.

## **Relationship with Former Private Employer**

Conflict of interest restrictions affect personnel coming into government after working for a government contractor. If a former employee of a government contractor has a continuing financial interest in his or her former employer, it could give the employee a continuing financial interest in contracts and other matters that affect the contractor. A

government employee must recuse herself from any particular matter in which she has a financial interest, absent a waiver or exemption.

**Scenario:**

An agency employee served as an administrative contracting officer on a \$25 million IT contract for ABC Company. The employee retired from the government and shortly thereafter was approached by ABC Company about coming to work with the company. May he accept?

*Discussion:*

The employee may not accept compensation from ABC Company for one year after he served as the administrative contracting officer for a contract over \$10 million.

**Scenario:**

In the above scenario, if the former employee did not serve in any specific role, but rather only participated in evaluating the performance of the contractor, would it make a difference?

*Discussion:*

It would not. The employee is barred from representing the contractor before the government concerning this same contract. The former employee may have participated personally and substantially in a contract without actually serving in any specific contracting roles.

**Scenario:**

A Deputy Secretary of a civilian agency retires from his position and joins a major government contractor. Six months after he leaves his government position, he is asked to arrange and participate in a meeting with the Chief Information Officer of his former agency to position the company in advance of a major procurement that will be coming out later in the year. Is this permissible?

*Discussion:*

The Deputy Secretary is a very senior official and is prohibited from representing his company to his former agency for one year.

**References:** [18 U.S.C. § 207](#), 208, 209; [41 U.S.C. 423](#); [5 C.F.R. parts 2635, 2637 and 2641](#).

## **TOPIC: Government-Industry Information Exchange**

### **Exchanges with Industry Before Receipt of Proposals**

Successful acquisition planning requires information exchanges between the procuring agency and potential offerors. This government-industry exchange enables the agency to fully understand the products and services available in the commercial market, and enables potential offerors to fully understand the agency's needs. Such exchanges permit acquisitions to be structured in a way that will promote the most effective competition among informed offerors. FAR Part 15 encourages exchanges for the purpose of improving procurements and promotes a broad, open, and two-way exchange of information between industry and the government throughout the early formative stages of an acquisition, including:

- Requirements development
- Acquisition strategy
- Evaluation approach
- Actual solicitation

It also outlines a broad range of approved communication techniques, including:

- Industry conferences
- Market research
- One-on-one meetings with potential offerors
- Pre-solicitation notices
- Draft solicitations
- Requests for information
- Site visits

### **Market Research**

Market research is defined by the FAR as “collecting and analyzing information about capabilities within the market to satisfy agency needs”. To ensure agencies have current, accurate information about commercially available products and services, market research is conducted on an on-going basis to maximize reliance on the commercial marketplace. Market research includes:

- Identifying and determining the availability of commercial and non-developmental products and services that meet the agency's need
- Identifying standard commercial practices
- While market research should be an on-going activity, the FAR specifically requires market research be conducted
- Before developing new requirements for an acquisition
- Before soliciting offers for acquisitions with an estimated value in excess of the simplified acquisition threshold (\$100,000)

The extent and nature of market research varies depending on the circumstances and complexity of the acquisition. Various techniques may be used to conduct a market survey, including phone calls, meetings, sources-sought announcements, and requests for information.

## **One-On-One Meetings**

Guidance on one-on-one meetings makes clear a distinction between meetings that take place before the issuance of a solicitation and those that occur after its release. Before the issuance of an RFP, agency technical and program personnel can meet with potential offerors to exchange information regarding “mission needs and future requirements”, so long as they do not provide information on the specifics of an acquisition. If acquisition specific information is to be provided, the contracting officer should be made part of the exchange and should ensure that other potential contractors are given the same information. After the issuance of a solicitation care must be exercised to avoid unfair treatment of offerors. Exchanges are typically limited to the receipt of inquiries from potential offerors. Answers to such inquiries can be given if the inquiry will not have an impact on any other potential offeror. If the answer will impact other offerors, it should be given to all offerors at the same time whenever possible.

### **Scenario:**

Your company wants to share an idea for a new technology application or technology solution with a government agency that could help address an agency requirement that you heard about in the news or in a government sponsored forum. Can you meet with an agency program manager?

### *Discussion:*

If there is no procurement on the street, it is permissible to meet with the relevant agency officials. Such a meeting likely would be considered market research, which is encouraged to help the government learn about relevant commercial products and services. However, the government may not provide information on the specifics of an acquisition.

### **Scenario:**

Your small business possesses a unique or in-demand capability and is looking for an opportunity to team with an appropriate partner on a large IDIQ effort. Can the government share who is on the bidder’s list so you can reach out to these other businesses to offer your capability?

### *Discussion:*

Although the government no longer maintains bidder's lists, this information is available. The Federal Business Opportunities (FedBizOpps) web-based system allows contract specialists to post synopses and other procurement documents, such as solicitations, amendments, and award notifications to a common index. This index, accessible on [www.fedbizopps.gov](http://www.fedbizopps.gov), allows vendors to search databases containing information from many federal agencies. Vendors may also subscribe to FedBizOpps to receive daily e-mail notifications of requirements.

The FedBizOpps system includes the capability to join and view a published list of vendors interested in a solicitation. This is useful for vendors who are interested in teaming on procurement opportunities. In order to register as an interested vendor for a solicitation, the "Register as Interested Vendor" button must be available from the listing page for a solicitation. If the contracting officer has not enabled this service for the particular solicitation number, then the "Register as Interested Vendor" button will not be available. In this case, the company would need to request the point of contact listed in the synopsis activate the Interested Vendors Module.

### **Scenario:**

Your technology company has a state of the art facility and is interested in pursuing an opportunity with a specific agency that has a known requirement. You would like to invite the government agency to take a tour and attend a briefing on how the facility and your company's capabilities can potentially address the agency need. Can the government set up a site visit and tour of your facility?

### *Discussion:*

The government may tour your company's facility, subject to applicable rules regarding gifts, travel and lodging. There are general ethical principles that apply -- government employees must act impartially and not give preferential treatment to any private organization. In addition, employees must strive to avoid any action that would create the appearance that they are violating ethical standards.

### **References:**

[FAR 15.201](#)

[FAR Subpart 15.6](#)

<http://www.fedbizopps.gov/EPsBuyersManual/BG7-IVL.html>

[http://www.usoge.gov/pages/advisory\\_opinions/advop\\_files/1998/98x8.html](http://www.usoge.gov/pages/advisory_opinions/advop_files/1998/98x8.html)

## **TOPIC: Maintaining Confidential Information in Federal Procurements**

The Procurement Integrity Act prohibits a “person” from knowingly obtaining “contractor bid or proposal information” or “source selection information” before the award of the federal agency procurement to which the information relates. The Act applies only to federal agency procurements. This rule is designed to protect the integrity of the procurement system.

No person may unlawfully disclose or obtain certain information, including:

- Contractor cost or pricing data
- Contractor indirect costs and direct labor rates
- Contractor information that has been properly marked “contractor bid or proposal information”
- Proprietary information that has been marked in accordance with statute or regulation
- Government source selection plans
- Government procurement evaluations and evaluation plans
- Government initial determinations of proposals with a reasonable chance of being selected for award
- Government rankings of bids, proposals, or competitors
- Government reports and evaluations of procurement panels, boards, or councils
- Government information marked as “source selection information”
- Certain other confidential information about any person or business such as trade secrets, statistical data, or financial information, properly in the hands of the Federal government. (This last item applies almost exclusively to government employees.)

**Scenario:**

The business development department of your company has been told to find out everything they can about primary competitors. What information may be collected?

*Discussion:*

You should generally only collect information from public sources such as public websites, annual reports, SEC and other public agency filings, press releases, trade journals, product catalogs, conference materials, product demonstrations, public filings, patents and trademarks, newspapers, etc.

**Scenario:**

A manager at my company wants to hire an employee from our primary competitor. She is very disgruntled and has offered to bring the certified cost or pricing data that was used by the government to determine the competitor's current indirect cost rates. Should you accept this material?

*Discussion:*

You should not knowingly solicit or accept confidential or proprietary information belonging to one of your competitors. Cost or pricing data is proprietary information.

**Scenario:**

I am a government employee, but am not involved in contracting. A package is erroneously delivered to me, which I open to discover a large notebook with a title page that is marked:

“This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of—or in connection with—the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets 7, 12, 14, and 27 through 34.”

What should I do with this package?

*Discussion:*

Disclosure of the information would be improper. You should reseal and safeguard the package and immediately refer the matter to your legal counsel.

**Scenario:**

I am an employee of a private contractor bidding on a Federal government contract where bids may be submitted electronically. One of our competitors sent its bid to my office email address by mistake, and it is clearly marked “Contractor bid or proposal information”.

What should I do with the electronic submission?

*Discussion:*

Do not open the file; if opened inadvertently, do not read it and consult legal counsel immediately.

**References:**

Procurement Integrity Act (41 U.S.C. § 423), the Trade Secrets Act (18 U.S.C. § 1905), the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act (5 U.S.C. § 552a), and portions of the Federal Acquisition Regulation (48 C.F.R. § 3.104).

<http://www.usoge.gov>

[http://www.defenselink.mil/dodgc/defense\\_ethics/resource\\_library/2005Deskbook/](http://www.defenselink.mil/dodgc/defense_ethics/resource_library/2005Deskbook/)

## **IAC CODE OF CONDUCT**

### **Purpose:**

The purpose of this document is to set forth the norms for appropriate behavior for IAC participation.

### **Background:**

The Industry Advisory Council is a non-profit, non-partisan organization dedicated to fostering improved communications and understanding between government and industry. Through its affiliation with the American Council for Technology, the Industry Advisory Council provides a forum for industry to collaborate with and advise government executives on IT issues.

IAC does not lobby and does not promote the business or other interests of industry participants.

The value proposition of IAC is that it provides an objective and ethical forum where government and industry executives can work together on common issues towards a shared vision. The primary benefit to industry is the ability to contribute to the public good by helping government to acquire and use IT resources more effectively and efficiently. Ancillary benefits of this work include networking, education and the development of relationships between government and industry. IAC does not implicitly or explicitly provide access to government for individuals or groups of companies. It is important that all IAC members understand our value proposition and work in accordance with these goals in all IAC activities. IAC welcomes individuals and organizations who wish to contribute to more effective government. Individuals and organizations whose sole purpose is to pursue business opportunities and sales may wish to consider other avenues.

IAC activities shall be carried out in accordance with the following guidance.

1. All deliverable products (white papers, analyses, surveys, etc.) shall be vendor, product and technology neutral. There shall be no reference to specific companies or vendor products. Each IAC deliverable product shall be reviewed by three independent reviewers and the IAC Executive Committee prior to release.
2. IAC shall generally not compete with products and services that are or can be provided by IAC member companies. It is intended that IAC products should usually be the assimilation of existing knowledge, rather than the creation of new intellectual capital. It is important that we do not provide work that might compete with IAC member companies.

3. All activities (products, events, meetings) should encourage and seek broad participation by IAC member companies. It shall be the policy of IAC that, to the maximum extent possible, each activity shall be open to all interested persons. In those instances where attendance must be limited, participants will be selected via lottery or some other method that ensures a fair and objective selection process.
4. When participating in a meeting under the auspices of IAC, attendees are representing IAC, not their individual companies. People attending a meeting under the auspices of IAC may identify which company they are from, but should not promote individual company capabilities. They should also not conduct company business when meeting under the auspices of IAC.
5. IAC events, like SIG meetings and the Executive leadership Conference (ELC) present a unique opportunity for interaction with government on issues of interest to both communities. It is best used to develop relationships for long term interaction; a relationship that is established by discussion of issues. This is not the forum for a brief of corporate capabilities.
6. IAC members are expected to be an advocate for IAC and IAC activities.
7. IAC leadership positions shall be open to all interested members. IAC members gain opportunities for leadership positions by participating in committees, task forces and other activities and demonstrating their commitment to the organization.
8. IAC members are expected to respect and comply with all federal ethics laws and regulations. IAC members shall not do anything that will create a real or perceived conflict of interest for those government employees who interact with IAC.
9. IAC activities shall be transparent and open to all interested parties.

In addition to the IAC Code of Conduct, you may find it helpful to understand the ethics rules that government officials must follow, so as not to put them in an uncomfortable situation. The US Office of Government Ethics maintains a web site ([http://www.usoge.gov/pages/common\\_ethics\\_issues/common\\_ethics\\_issues.html](http://www.usoge.gov/pages/common_ethics_issues/common_ethics_issues.html)) with summaries of the rules covering federal officials' acceptance of gifts, conflicting financial interests, seeking employment, outside activities, etc.

### *American Council for Technology/Industry Advisory Council*

The American Council for Technology (ACT) is a non-profit educational organization established in 1979 to assist government in acquiring and using information technology resources effectively. In 1989 ACT established the Industry Advisory Council (IAC) to bring industry and government executives together to collaborate on IT issues of interest to the government. In 1997 ACT established the Intergovernmental Advisory Board (IAB) to foster communication and collaboration between IT executives at all levels of federal service – Federal, state, local and tribal governments.

The American Council for Technology, in cooperation with the Industry Advisory Council and Intergovernmental Advisory Board, is a unique, public-private partnership dedicated to helping government use technology to serve the public. The purposes of the organization are to communicate, educate, inform and collaborate. ACT also works to promote the profession of public IT management. ACT and IAC offer a wide range of programs to accomplish these purposes.

ACT and IAC welcome the participation of all public and private organizations committed to improving the delivery of public services through the effective and efficient use of information technology. For membership and other information, visit the ACT/IAC website at [www.actgov.org](http://www.actgov.org).

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