

15.01.02 Federal Procurement Integrity Act

Revised [July 7, 2015](#)
Next Scheduled Review: July 7, 2020
Click to view [Revision History](#).



Regulation Statement

The requirements of the Office of Federal Procurement Policy Act Amendments of 1988, as amended (codified at Title 41 U.S.C., Ch. 21, Sections 2101-2107, 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

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 or a member, nor any officer, employee, agent, representative and/or consultant of the system or a member 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 who is personally and substantially participating in a federal agency procurement in excess of the simplified acquisition threshold (as that term is defined in 48 CFR 2.101) in which the system or the respective member is competing;
 - (b) offer, give or promise to offer or give any money, gratuity or other thing of value to any federal procurement officer;
 - (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; or

- (d) other than as provided by law, obtain a third-party contractor bid or proposal information or source selection information before the award of a federal agency procurement contract to which the information relates.

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 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 guidelines 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 U.S.C. §§ 2101-2107](#)

[Federal Acquisition Regulation § 2.101](#)

[Federal Acquisition Regulation § 3.104-3](#)

[Federal Procurement Integrity Act Certification](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

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