**DFARS Case 2021-D030**

**Representation Relating to Compensation of Former DoD Officials**

**Final Rule**

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

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**Subpart 252.2—Text of Provisions and Clauses**

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**252.203-7000 Requirements Relating to Compensation of Former DoD Officials.**

As prescribed in [203.171-4](https://www.acq.osd.mil/dpap/dars/dfars/html/current/203_1.htm#203.171-4)(a), use the following clause:

REQUIREMENTS RELATING TO COMPENSATION OF FORMER DOD OFFICIALS (SEP 2011)

(a) Definition. “Covered DoD official,” as used in this clause, means an individual that—

(1) Leaves or left DoD service on or after January 28, 2008; and

(2)(i) Participated personally and substantially in an acquisition as defined in 41 U.S.C. 131 with a value in excess of $10 million, and serves or served—

(A) In an Executive Schedule position under subchapter II of chapter 53 of Title 5, United States Code;

(B) In a position in the Senior Executive Service under subchapter VIII of chapter 53 of Title 5, United States Code; or

(C) In a general or flag officer position compensated at a rate of pay for grade O-7 or above under section 201 of Title 37, United States Code; or

(ii) Serves or served in DoD in one of the following positions: Program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract in an amount in excess of $10 million.

(b) The Contractor shall not knowingly provide compensation to a covered DoD official within 2 years after the official leaves DoD service, without first determining that the official has sought and received, or has not received after 30 days of seeking, a written opinion from the appropriate DoD ethics counselor regarding the applicability of post-employment restrictions to the activities that the official is expected to undertake on behalf of the Contractor.

(c) Failure by the Contractor to comply with paragraph (b) of this clause may subject the Contractor to rescission of this contract, suspension, or debarment in accordance with 41 U.S.C. 2105(c).

(End of clause)

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**252.203-7005 Representation Relating to Compensation of Former DoD Officials.**

As prescribed in 203.171-4(b), insert the following provision:

REPRESENTATION RELATING TO COMPENSATION OF FORMER DOD OFFICIALS (~~NOV 2011~~ **[SEP 2022]**)

(a) Definition. “Covered DoD official” is defined in the clause at 252.203-7000, Requirements Relating to Compensation of Former DoD Officials.

(b) By submission of this offer, the Offeror represents, to the best of its knowledge and belief, that all covered DoD officials employed by or otherwise receiving compensation from the ~~o~~**[O]**fferor, and who are expected to undertake activities on behalf of the ~~o~~**[O]**fferor for any resulting contract, are presently in compliance with all **[applicable]** post-employment restrictions**[, including those contained in]**~~covered by~~ 18 U.S.C. 207, 41 U.S.C. 2101-2107,~~and~~ 5 CFR part~~s~~ ~~2637 and~~ 2641, **[section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91), and]** ~~including~~ Federal Acquisition Regulation 3.104-2.

**[(End of provision)]**

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