

CLIENT ALERT

New Post-Employment "Revolving Door" Certification

Nov.18.2011

On November 18, 2011, in the wake of high-profile enforcement actions and bid protests demonstrating the risks involved when contractors recruit and hire former government personnel (e.g., *Health Net Fed. Servs.*), the DoD issued a final rule that, for the first time, will require offerors to certify that "all covered DoD officials employed by or otherwise receiving compensation from the offeror, and who are expected to undertake activities on behalf of the offeror for any resulting contract, are presently in compliance with all post-employment restrictions covered by 18 U.S.C. 207, 41 U.S.C. 2101-2107, and 5 CFR parts 2637 and 2641, including Federal Acquisition Regulation 3.104-2." This new requirement further reinforces the necessity for contractors to have robust internal systems to identify and monitor in a timely way the post-employment restrictions imposed on their employees and consultants who are former government personnel.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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