3-811 Significant Procurement Role

Revision Dates

10/1/2026, 11/16/2018, 11/18/2016 (adopted)

A. "Significant Procurement Role" means any role that includes any of the following duties:

1. Participating in the development of a Procurement.

2. Participating in the development of an evaluation tool.

3. Approving a Procurement or new evaluation tool.

4. Soliciting quotes greater than ten thousand dollars ($10,000) for the provisions of Materials, Services, Construction, or Construction Services.

5. Serving as a technical advisor or an evaluator who evaluates a Procurement.

6. Recommending or selecting a Person that will provide Materials, Services, Construction, or Construction Services.

7. Serving as a decision maker or designee on a Protest or an appeal by a party regarding a Procurement selection or decision.

8. Significant procurement role does not include making decisions on developing specifications and the scope of work for a procurement if the decision is based on the application of commonly accepted industry standards or known published standards of the agency as applied to the project, services, goods, or materials.

B. Prohibited Activity.

1. It is unlawful for a Procurement Officer or an employee having a Significant Procurement Role to accept any position or have employment discussions with a Person lobbying or potentially responding to the Solicitation beginning on signature of the first nondisclosure agreement pertaining to a particular Solicitation or at the time of request for a Sole Source Procurement or any other Procurement for which competition is impracticable and ending at the time of Contract Award. It is unlawful for a Procurement Officer or an employee having a Significant Procurement Role to accept any position or have employment discussions with the successful Offeror or Offerors and their lobbyists beginning on signature of

the first nondisclosure agreement pertaining to a particular Solicitation or at the time of request for a sole source Procurement or any other Procurement for which competition is impracticable, and ending one (1) year after the purchased materials are delivered or the purchase of Services or Construction begins, if the Procurement Officer or employee had a Significant Procurement Role in the particular Procurement.

2. It is unlawful for a Procurement Officer or an employee having a Significant Procurement Role to solicit an employment opportunity, regardless of who would receive such an opportunity, from any Person lobbying or potentially responding to a Solicitation for the Procurement of Materials, Services or Construction beginning on signature of the first nondisclosure agreement pertaining to a particular Solicitation or at the time of request for a sole source Procurement or any other Procurement for which competition is impracticable and ending at the time of Contract Award. It is unlawful for a Procurement Officer or an employee having a Significant Procurement Role to solicit an employment opportunity, regardless of who would receive such an opportunity, from the successful Offeror or Offerors and their lobbyists beginning on signature of the first nondisclosure agreement pertaining to a particular Solicitation or at the time of request for a sole source Procurement or any other Procurement for which competition is impracticable and ending one (1) year after the purchased Materials are delivered or the purchase of Services or Construction begins, if the Procurement Officer or employee had a significant role in the particular Procurement.

3. It is unlawful for a Person lobbying or potentially responding to a Solicitation for the Procurement of Materials, Services or Construction to offer employment to a Procurement Officer or an employee having a Significant Procurement Role beginning on signature of the first nondisclosure agreement pertaining to a particular Solicitation or at the time of request for a sole source Procurement or any other Procurement for which competition is impracticable and ending at the time of Contract Award. It is unlawful for the successful Offeror or Offerors and their lobbyists to offer employment to a Procurement Officer or an employee having a Significant Procurement Role beginning on signature of the first nondisclosure agreement pertaining to a particular Solicitation or at the time of request for a sole source Procurement or any other Procurement for which competition is impracticable and ending one (1) year after the purchased Materials are delivered or the purchase of Services or Construction begins, if the Procurement Officer or employee had a significant role in the particular Procurement.

C. Waiver. The CPO may waive any or all of the waiting period required pursuant to this ABOR Policy 3-811(B)(1), (B)(2), or (B)(3) in excess of twenty-four (24) months for a Procurement Officer or an employee with a Significant Procurement Role if the period of time that follows the signature of the nondisclosure

agreement exceeds twenty-four (24) months. A Procurement Officer or an employee seeking a waiver shall make a written request to the CPO. The CPO shall provide a written decision and justification within fifteen (15) business Days after the receipt of the complete request. The CPO may not approve waiver requests for matters still in evaluation or within six (6) months following the Contract Award. If the requesting party is the CPO, the request for a waiver and all written materials must be forwarded to the University President or Executive Director, as applicable, for a final decision.

D. In response to a written request from an employee seeking clarification on whether the employee has played a significant role in a Procurement, the CPO shall issue a determination in writing within fifteen (15) Days after receiving the request. The CPO may make a determination in writing that this section does not apply if a particular Solicitation, sole source Procurement or any other Procurement for which competition is impracticable has been canceled.

E. It is unlawful for a Procurement Officer or an employee who was previously employed by a Person responding to a Solicitation to serve in a Significant Procurement Role for a period of one (1) year following the person's previous employment.

F. If a University uses a qualified list of Persons that are eligible to be selected to design, develop, implement or construct any form of project associated with the list, any Procurement Officer who was assigned to work evaluating or approving the list of eligible Persons or any employee having a Significant Procurement Role in developing the list shall not accept an offer of employment from or have employment discussions with a Person on the list within one (1) year after the initial publication of the list or accept an offer of employment from or have employment discussions with a newly added Person on the list within one (1) year after the Person is added to the original list. If a Person from an approved list of qualified Persons is awarded a Contract that is associated with the list, a Procurement Officer involved in selecting the Person or an employee having a Significant Procurement Role in selecting the Person shall not accept an offer of employment from or have employment discussions with that Person within one (1) year after that Person is awarded the Contract.

G. On signature of a nondisclosure agreement pertaining to a particular Solicitation, or at the time of a request for a sole source Procurement or any other Procurement for which competition is impracticable, a Procurement Officer or an employee having a significant role in the Procurement shall provide written disclosure of any financial interest the officer or employee, or the spouse of the officer or employee, may hold.

H. This section does not apply to a Procurement Officer or employee who in good faith relies on a determination issued by the CPO pursuant to subsection D of this section that the Procurement Officer or employee has not had a Significant Procurement Role.

Policy History

11/18/2016 Approved by the Board on second reading.

11/16/2018 Policy revision approved by the Board on second reading.

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Related Information