

Candidate's Name: _____

Employment Questionnaire and Certification (G/C 489)



To be completed by all prospective employees/consultants

Instructions and Preliminary Questions

Various federal laws and regulations restrict the post-government employment activities of former government officers and employees and place conditions upon current government employees who engage in discussions regarding post-government employment. This Questionnaire and Certification is designed to assist SAIC in determining which restrictions, if any, apply to you and in assessing their impact upon (i) employment discussions, (ii) hiring decisions, and (iii) future work assignments at SAIC¹. This form is divided into FOUR sections. You are only required to complete those sections applicable to you based on your status as a current or former U.S. Government² officer or employee. Certain information providing clarification of terms used in this Questionnaire is contained in endnotes appearing on page 4. If you have any questions concerning this Questionnaire, your responses thereto, or your obligations under applicable law, please contact your Human Resources Representative or the SAIC Legal Department at (858) 826-7358 or (703) 676-2830 for assistance.

1. **As a preliminary matter, please check which one of these four mutually exclusive situations applies to you.**

- | | |
|---|--|
| <input type="checkbox"/> I am currently employed by the U.S. Government | Complete Sections A, B, C & D |
| <input type="checkbox"/> I am a former U.S. Government officer or employee who left Government service within the past year | Complete Sections B, C & D |
| <input type="checkbox"/> I am a former U.S. Government officer or employee who left Government service more than one year ago | Complete Sections C & D |
| <input type="checkbox"/> I have never been employed by the U.S. Government | Complete Section D Only |

Section A

Reporting and Recusal For Current Government Employees

If you are a current government officer or employee, you hereby agree to report to your supervisor and your Designated Agency Ethics Official (DAEO) any contacts between SAIC and you regarding employment, and by signing this form you hereby certify and represent that you have done so, if:

Your current duties in the U.S. Government include participation (i.e., making decisions or recommendations, approving or disapproving, rendering advice, investigating, and the like) in any procurement or other matter involving SAIC. If you perform such duties, you agree to promptly notify your supervisor and DAEO of your employment/consultant interests with SAIC. You further agree that during the period of discussing employment or consultant services with SAIC, you will recuse yourself from participation in any procurement or other matter involving SAIC in accordance with applicable federal laws or regulations, unless your disqualification is waived by appropriate government authority pursuant to such laws or regulations. Any questions regarding the nature or extent of your obligations in this regard should be raised directly with your DAEO.

OR

Your current duties in the U.S. Government DO NOT include participation (i.e., making decisions or recommendations, approving or disapproving, rendering advice, investigating, and the like) in any procurement or other matter involving SAIC; but if, during the period of discussing employment or a consultant relationship with SAIC, your duties with the government change so as to require participation in any procurement or other matter involving SAIC, you agree to promptly notify your supervisor and DAEO of your employment/consultant interests with SAIC. You further agree to recuse yourself from such participation in accordance with applicable federal laws or regulations, unless your disqualification is waived by appropriate government authority pursuant to such laws or regulations. Any questions regarding the nature or extent of your obligations in this regard should be raised directly with your DAEO.

Candidate's Name: _____

Section A (continued)

Terminal Leave

You may be hired while on terminal leave from the military, subject to the following conditions and restrictions, which are set forth more fully in SAIC Administrative Policy SG-12: (1) you have obtained prior written approval from your command for "outside employment" with SAIC, if required, and by signing this form you hereby certify and represent that you have obtained any such required approval; and (2) if you are a commissioned military officer, (a) you may not represent, communicate or appear on behalf of SAIC, or otherwise act as an agent for SAIC, before **any** government agency or official **with respect to any matter**, regardless of prior involvement therein, until after your final separation date, and (b) by direction of the Department of Defense, you may not interact, appear or perform work in a federal workplace or government facility during your terminal leave period. Condition (2) above does not apply to enlisted military personnel or non-commissioned military officers.

- 2. **a. Are you currently or do you expect to be on terminal leave from the U.S. military?** Yes No
- b. If yes, please state the actual or expected start and end dates of your terminal leave period:**

Start _____ End _____

Section B

The following information and questions apply to all applicants who are currently or were at any time within the past twelve months employed by the U.S. Government.

A current U.S. Government officer or employee, or a former U.S. Government officer or employee who left the government within the last twelve months, may not accept compensation from SAIC as an employee, officer, director, or consultant within a period of one year after serving in any of the roles identified below, in connection with a procurement in which SAIC was selected for award of and/or awarded a contract that exceeded \$10 million.

Please answer Yes or No to the following questions.

- 3. **Within the last twelve months, have you served in any of the following capacities in connection with a procurement in which SAIC was selected for an award of or awarded a U.S. Government contract (including grants, cooperative agreements, CRADAs or BAAs) that exceeded \$10 million (including options):**
 - Yes No Procuring Contracting Officer?
 - Yes No Source Selection Authority (SSA)?
 - Yes No Member of a Source Selection Evaluation Board (SSEB)?
 - Yes No Chief of a financial or technical evaluation team?
- 4. **Within the last twelve months, have you served in any of the following capacities in connection with a U.S. Government contract awarded to SAIC (including grants, cooperative agreements, CRADAs or BAAs) that exceeded \$10 million (including options):**
 - Yes No Program Manager?
 - Yes No Deputy Program Manager?
 - Yes No Administrative Contracting Officer?
- 5. **Within the last twelve months, have you personally made any decisions for the U.S. Government agency that employed you involving:**
 - Yes No Award of a contract, subcontract, modification, task order or delivery order in excess of \$10 million to SAIC?
 - Yes No Establishment of overhead or other rates applicable to SAIC contract(s) valued in excess of \$10 million?
 - Yes No Approval of contract payment(s) in excess of \$10 million to SAIC?
 - Yes No Payment or settlement of a claim in excess of \$10 million with SAIC?

Candidate's Name: _____

Section C

The following information and questions apply to all applicants (except enlisted military personnel and non-commissioned military officers) who are currently or were at any time formerly employed by the U.S. Government.

If you are seeking employment or consultant status with SAIC, or you are later tasked by SAIC, to work on the same, particular matter³ in which you were personally and substantially involved⁴ while in government service, or which was actually pending under your official responsibility⁵ during your last year of government service, federal law either forever prohibits or restricts for two years your ability to represent, or communicate or appear on behalf of, SAIC before the U.S. Government, with the intent or effect of influencing the government in any way with respect to that same, particular matter. These restrictions apply to all current and former U.S. Government employees, including commissioned military officers, but do not apply to enlisted military personnel or non-commissioned military officers. These restrictions do not apply to any matters other than those described herein. Please note however that if you are hired by SAIC, and are subsequently assigned to work on any particular matter described above, you may not do so unless and until you contact the Legal Department for a determination on what restrictions may apply to such tasking.

6. **To assist in determining if your planned work at SAIC will comply with these requirements, please answer the following questions:**

a. **Are you seeking employment or consultant status with SAIC to work on the same, particular matter (as defined and explained more fully at endnote 3) in which you were personally and substantially involved (as defined and explained more fully at endnote 4), or which was actually pending under your official responsibility (as defined and explained more fully at endnote 5), while you served in the government?**

Yes No

b. **If yes, please provide a detailed description of (i) the matter, (ii) the nature of your duties in government service, (iii) the time period during which you performed such duties, and (iv) the expected nature of your duties at SAIC.**

Federal law generally prohibits certain senior or very senior executive branch personnel from communicating or appearing before their former agency seeking action from that agency **on any matter**, regardless of their involvement in that matter, for a period of one or two years, respectively. Senior government personnel (including special government employees) are defined as follows: persons paid on the Executive Schedule; persons whose rate of basic pay is equal to or greater than 86.5 percent of the rate payable for Level II of the Executive Schedule; active duty commissioned officers whose pay grade is 0-7 or above; Presidential and Vice Presidential appointees to certain White House or other positions; and persons assigned from the private sector to a government agency pursuant to the Intergovernmental Personnel Act (5 U.S.C. §§ 3701 et seq.). Very senior government personnel (defined as the Vice President; persons paid at a rate of pay payable for Level I of the Executive Schedule; persons employed in the Executive Office of the President at a rate of pay payable for Level II of the Executive Schedule; or persons appointed by the President or Vice President to certain White House or other positions) are subject to a similar, but somewhat broader, two year restriction.

7. **If you are currently a senior or very senior government employee, as defined above, or you were within the last year a senior government employee or within the last two years a very senior government employee, please set forth on the line below your pay grade or rank and the date of retirement or final separation from the government:**

Candidate's Name: _____

Section D - Certification

I hereby certify that the answers given by me in this Employment Questionnaire and Certification are true, accurate and complete to the best of my knowledge and belief. If I subsequently learn that any response contained herein is incorrect, inaccurate or incomplete, I agree to promptly notify SAIC. In addition, I hereby certify and agree that I will abide by, comply with and observe all obligations, agreements, directives, restrictions and prohibitions set forth herein, including, without limitation, any obligation to report any contacts or employment discussions with SAIC to the appropriate government personnel and to undertake any required recusals or disqualifications from matters involving SAIC.

Candidate's Name (Print/Type) _____

Candidate's Signature _____ **Date** _____

SAIC Attorney Name (Print/Type) _____

SAIC Attorney Signature _____ **Date** _____

SAIC Legal Department Approval* _____

*Required if questions 3, 4, 5, 6 or 7 are answered "yes" or marked in the affirmative.

1. "SAIC" for purposes of this Employment Questionnaire and Certification refers to SAIC and all of its subsidiaries and affiliates.
2. "United States Government" or "government" for purposes of this Employment Questionnaire and Certification refers to any civilian agency, administration or division of the executive branch of the federal government, as well as branch, department or command of the military. Military Reservists and National Guard personnel not recalled to active duty, mobilized, or otherwise not performing any extended periods of active duty beyond their normal annual 2-week commitment, are not considered government officers or employees.
3. A "particular matter" means a contract, procurement, claim, dispute, application, request for a ruling or other determination, judicial or other proceeding, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest. Thus, a particular matter is some definable and isolatable transaction in which the government has a direct and substantial interest and which involves any specific non-governmental party. Determining whether particular matters are the same involves a consideration of all relevant factors, and generally requires that the same subject matter and the same nucleus of operative facts be present in both matters. Please also note what is not a particular matter. General areas of activity or matters which are internal to the government (and, thus, do not involve the government and a specific party or parties), such as developing policies, engaging in general rule-making or formulating technical, administrative or programmatic concepts or policies are not particular matters.
4. "Participating personally and substantially" means active and significant involvement in a matter. "Participating personally" means participating directly, and includes the direct and active supervision of a subordinate's participation in the matter. "Participating substantially" means that the involvement is of significance to the matter. Substantial participation requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. Participation may be substantial even though it is not determinative of the outcome of a particular matter. A finding of substantiality should be based not only on the effort devoted to a matter, but on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial.
5. "Official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove or otherwise direct government action. Note that an employee's recusal from or other non-participation in a matter does not remove it from their official responsibility. A matter is "actually pending" under an employee's official responsibility if the matter was referred to or under consideration by persons within the employee's area of responsibility. However, this restriction will not apply unless the former employee knows or reasonably should know that the matter had been under their official responsibility during their last year of government service.