



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-AQ
DISTRIBUTION: A

CNGBI 9000.01A
12 April 2023

VISITS AND DEMONSTRATIONS OF PRODUCTS OR SERVICES BY CONTRACTORS FROM COMMERCIAL AND DEFENSE INDUSTRIES

References: See Enclosure E.

1. Purpose. This instruction establishes policy and assigns responsibilities regarding visits, access to government personnel, and product or service demonstrations by prospective or current contractors to initiate or expand business opportunities with the National Guard Bureau (NGB) to ensure fair and equal treatment to all contractor personnel in accordance with (IAW) the references.
2. Cancellation. This instruction replaces its previous edition, Chief of the National Guard Bureau Instruction 9000.01, 29 July 2016, "Visits And Demonstrations of Products or Services by Contractors from Commercial and Defense Industries."
3. Applicability. This instruction applies to all elements of the National Guard (NG).
4. Policy. It is NGB policy to conduct government business in a manner above reproach with complete impartiality and without preferential treatment, to include preventing an actual or perceived conflict of interest in relationships between government agencies and contractors. Transactions relating to the expenditure of public funds require the highest degree of public trust and an impeccable standard of conduct IAW references a, b, and c.
 - a. Government personnel will publicly disclose their actions regarding contractors.
 - b. Actions appearing to favor one contractor over another will be avoided and communications between representatives of companies will be conducted with complete impartiality when contractors solicit requests for visits or demonstrations, or when NGB personnel initiate contractor visits.
 - c. Since industry representatives or contractors generally market products or services, care must be taken to avoid activities that might be construed as giving preferential treatment to any single contractor and creating either an actual or perceived unfair competitive advantage.

UNCLASSIFIED

d. All NGB government personnel will refrain from meeting with contractors or industry representatives, conducting office calls, or receiving demonstrations without processing a Contractor Visit Data Sheet (see Enclosure B) IAW this instruction.

e. Executive Officers and all points of contact responsible for a contractor visit will complete the Contractor Visit Data Sheet (see Enclosure B) and Contractor Visit and Briefing Agreement (See Enclosure C), and will coordinate with the Office of NGB Acquisitions (NGB-AQ) Senior Contracting Official (NGB-AQ-SCO), Office of the NGB General Counsel (NGB-GC), and the Office of NGB Small Business Programs (NGB-SB) to coordinate visit representation.

f. Under no circumstances may NGB personnel enter into written or verbal agreements obligating the NGB to fund activities or provide services, supplies, and equipment unless agreed to under a valid contract executed by a warranted NGB Contracting Officer.

g. For all visits, the following parameters apply when hosting prospective contractors, current contractors, and non-Federal entities at the NGB:

(1) NGB personnel will not endorse a contractor's goods, products, or services.

(2) NGB personnel will not promise to, or specifically advocate for, support, or endorse a contractor.

(3) NGB personnel will not discuss non-public information, including Controlled Unclassified Information, draft, pre-decisional, or classified information, with a contractor.

(a) Government personnel may discuss anticipated future needs of the Commands, but must provide the same information to competitors when requested.

(b) If a contractor requests a meeting, the government representative should meet with other contractors who provide similar products and services to avoid favoring one over another.

(c) Briefings or demonstrations involving classified information will be coordinated with the sponsoring Directorate Security Manager or the Directorate of Intelligence, Special Security Office. Access to classified information will be strictly controlled IAW reference d.

h. NGB personnel will not communicate with former employees if they believe doing so would cause that person to violate any of the rules listed below. If there is any doubt, NGB personnel will refer the matter to NGB-GC's Ethics Section for specific guidance. The representation restrictions IAW reference e are as follows:

(1) Lifetime Representation Ban. Military officers and Federal civilian employees who participate personally and substantially in a government contract, or other particular matters, are prohibited from representing the contractor (or any other third party) before any Federal agency, in connection with that contract or matter. Assistance considered “behind the scenes” is permissible. This ban does not apply to enlisted personnel.

(2) Two-Year Representation Ban. Military officers and Federal civilian employees who have a contract or other particular matter under their official responsibility during their last year in the government may not, for two years, represent a contractor (or any other third party) before any Federal agency, in connection with that contract or matter. Assistance considered “behind the scenes” is permissible. This ban does not apply to enlisted personnel.

(3) Ban on Representation During Terminal Leave. Military officers and Federal civilian employees are prohibited from representing any person, company, or organization before any other Federal agency, or appearing in the Federal workplace, while on terminal leave. Assistance considered “behind the scenes” is permissible. This ban does not apply to enlisted personnel.

i. NGB personnel will take all precautions against releasing information not generally available to the public concerning a known valid requirement. Government personnel must safeguard proprietary, Privacy Act in reference f, and other sensitive and non-public information. Providing insider information is prohibited IAW reference e and reference g.

(1) Federal employees are prohibited from giving preferential treatment to any private individual or company IAW reference a. Providing interested contractors with the same information at the same time is the preferred, and the most legally prudent, method of disseminating information.

(2) Employees will not disclose non-public information to further the private interests of any individual, company, or organization IAW reference d. All government contracts that authorize contractor employees to access Privacy Act material must contain the appropriate Privacy Act restriction clauses IAW reference h.

(3) Employees will not disclose contractor bid or proposal information, or source selection information, IAW reference i.

(4) A high level of business security will be maintained in order to preserve the integrity of the acquisition process IAW reference c. Employees participating in the acquisition process may not disclose:

(a) Information on plans that would provide advantage to private or personal interests.

(b) Information received in confidence from an offer.

(c) Information that would be protected under reference f.

(d) Information pertaining to internal agency communications (for example, technical reviews, market research reports, acquisition strategy documents, et cetera.)

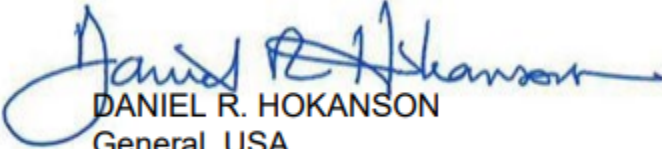
5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. No substantive changes. The Office Symbol (the way the office is identified) was changed from “NGB-OPARC” to “NGB-AQ” and this update has been applied throughout the document.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be revised, reissued, canceled, or certified as current every ten years.



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Enclosures:

- A -- Responsibilities
- B -- Contractor Visit Data Sheet
- C -- Contractor Visit and Briefing Agreement
- D -- Contractor Visitor Log
- E -- References
- GL -- Glossary

ENCLOSURE A
RESPONSIBILITIES

1. NGB Acquisition Senior Contracting Official (NGB-AQ-SCO). NGB-AQ-SCO will:
 - a. Ensure NGB sponsors provide quarterly reports of visits or meetings with contractors.
 - b. Represent NGB personnel at meetings with contractors.
 - c. Determine exemptions for attendance at meetings with contractors.
 - d. Review annual meeting and demonstration reports attended by NGB personnel for potential conflicts of interest with existing procurement strategies or procurement-sensitive information.
2. Director of NGB Small Business Programs (NGB-SB). The Director of NGB-SB will:
 - a. Ensure the NGB-SB team archives materials and capability briefings obtained through meetings between contractors and NGB sponsors.
 - b. Represent NGB-SB at meetings with contractors as requested by NGB personnel.
 - c. Determine exemptions for NGB-SB's attendance at meetings.
3. Sponsors. Sponsors will:
 - a. Ensure contractor personnel visiting with a general officer, flag officer, or Senior Executive Service personnel are informed before the start of the visit that appointed Contracting Officers are the only individuals authorized to enter into and administer contracts on behalf of the Government.
 - b. Use Enclosures B, C, and D of this instruction to document meetings and attendance at demonstrations by contractors.
 - c. Employ an event planner, if required.
 - d. Obtain and process a visit authorization letter from the contractor's security office if a visiting contractor proposes discussion of any classified material IAW reference d.
 - e. Maintain a log of contractor visits IAW Enclosure D and provide the log report to NGB-AQ-SCO no later than 15 calendar days following each quarter in the fiscal year.

4. Event Planners. Event planners will:

- a. Be selected from the sponsoring organization.
- b. Assist the sponsor with arranging access to NG facilities using contractor vehicles.
- c. Assist the sponsor with arranging escorts for contractors when in facilities or on property controlled by the Government or NG.
- d. Assist the sponsor with arranging locations for meetings or demonstrations in facilities or on property controlled by the NG.
- e. Assist the sponsor with coordinating visits with the NGB Security Manager.
- f. Assist the sponsor with arranging attendance of a representative from NGB-GC, NGB-SB, and a Contracting Officer from NGB-AQ-SCO, no less than five business days prior to the event. An optional representative from NGB-AQ-SCO may be invited, if necessary.

5. Office of the NGB General Counsel (NGB-GC). NGB-GC will:

- a. Support requests from NGB personnel for representation at meetings or demonstrations by contractors to ensure the subject matter of the proposed visit does not adversely affect ongoing source selections, result in a perception of preferential treatment or favoritism, or otherwise adversely impact acquisition integrity.
- b. Determine exemptions to NGB-GC attendance at meetings.
- c. Review annual reports of meetings and demonstrations attended by NGB personnel for potential conflicts of interest, appearance of impropriety, and other material that might violate integrity of the procurement process.

6. NGB Security Managers. NGB Security Managers will:

- a. Ensure a visit authorization letter from the contractor's security office is received if a visiting contractor proposes discussion of any classified material IAW reference d.
- b. Validate security clearances on contractor visit access requests.

ENCLOSURE B

CONTRACTOR VISIT DATA SHEET

1. The Contractor Visit Data Sheet forms part of the read-ahead packet for visits and demonstrations. The data sheet describes the purpose of the contractor visit or demonstration, identifies all contracts the contractor currently holds with the NG, and details company competencies or presentation topics.
2. The contractor submits the data sheet on company letterhead with a maximum length of two pages.

| CONTRACTOR VISIT DATA SHEET | |
|---|--|
| <p>NOTICE: All contractors visiting the National Guard Bureau must provide the Sponsor Lead with the following information for inclusion in the read-ahead package prior to the scheduled contractor visit or demonstration.</p> | |
| <p>1. Purpose. <i>(In this section, the contractor must detail the purpose of their visit and provide the date and time of the tentative or confirmed visit.)</i></p> | |
| <p>2. Contract Information. <i>(In this section, the contractor must (1) list all contracts their company currently holds with the National Guard, (2) identify the Contracting Officer Representative (COR) assigned to each contract, and (3) a short description of contract services, to include dollar value and the name(s) of supported component(s) within the National Guard OR when there are none, the contractor must state that there is no current contractual relationship between their company and the National Guard.)</i></p> | |
| <p>3. Additional Information on Company Visit. <i>(In this section, the contractor must detail presentation topics without exceeding the maximum of two pages. The contractor must clearly state how their product or service supports the National Guard Bureau mission, priorities, and requirements. If the contractor does not have a specific presentation topic, the contractor must provide a synopsis of their company's core competencies and business base and how they relate to the National Guard Bureau mission, priorities, and requirements.)</i></p> | |

Figure 1. Sample Contractor Visit Data Sheet

ENCLOSURE C

CONTRACTOR VISIT AND BRIEFING AGREEMENT

1. The Contractor Visit and Briefing Agreement is part of the read-ahead packet for visits and demonstrations. Before processing, the sponsor provides the contractor with the information in ***bold italics***.
2. The contractor submits the agreement on company letterhead with a maximum length of two pages.

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| <p style="text-align: center;">CONTRACTOR VISIT AND BRIEFING AGREEMENT</p> <p><i>[Company Name]</i>, hereinafter referred to as the “Contractor,” is authorized to conduct a demonstration, product display, or briefing for National Guard Bureau or other authorized personnel, about materials or subjects as herein described, and subject to the terms of this agreement.</p> <p>DEMONSTRATION, PRODUCT DISPLAY, OR BRIEFING: <i>[Describe]</i>. LOCATION AND DATE(S) OF DEMONSTRATION, PRODUCT DISPLAY, OR BRIEFING: <i>[List]</i>.</p> <p>The parties to this document agree as follows:</p> <ol style="list-style-type: none">1. The primary purpose is to provide the Contractor with an opportunity to explain their product or service and will not be used as an attempt to seek procurement-sensitive information.2. Demonstrations, product displays, and briefings will be conducted for the sole purpose of demonstrating or displaying the capability of particular items or a service and not for fulfilling mission requirements for an interim time frame. The demonstration, product display, or briefing will in no way, expressed or implied, obligate the National Guard Bureau to purchase, rent, or otherwise acquire the items or service demonstrated, displayed, or briefed. The Contractor has sole responsibility for furnishing all supplies and equipment necessary to accomplish the demonstration, product display, or briefing. Demonstrations, product displays, or briefings will be conducted by an authorized representative of the Contractor furnishing the items or services; no U.S. military or civilian employee of the Department of Defense will demonstrate or display items or services on behalf of a Contractor. The National Guard Bureau will not assume the costs of or obligation for, expressed or implied, damages to, destruction of, or loss of a Contractor’s equipment. The Sponsor Lead is the duly authorized representative of the U.S. Government for the purpose of this agreement and is <i>[Full Spelling of Sponsor Lead’s First and Last Name]</i>, of <i>[Full Spelling of Office or Directorate]</i>, at <i>[10-digit Telephone Number]</i>. The Sponsor Lead will work with the Contractor to schedule the demonstration, product display, or briefing, and coordinate logistics, security, and information technology requirements. The Sponsor Lead does not have the authority to commit the U.S. Government to any agreements or contracts, and will not be authorized to make any contact with the Contractor’s organization until the Sponsor Lead has contacted the NGB-AQ-SCO. |
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Figure 2. Sample Contractor Visit and Briefing Agreement

3. The Contractor will not file any claim against the U.S. Government or otherwise seek compensation for any information or services provided under this agreement.
4. Nothing in a meeting with, or demonstration by, the Contractor shall be construed as an obligation on behalf of the U.S. Government. The National Guard Bureau and the Department of Defense are not bound, nor obligated, to follow any recommendations by the Contractor. The U.S. Government is not bound, nor obligated, in any way to give any special consideration to the Contractor on future contracts.
5. No U.S. Government service's or U.S. Government-owned supplies will be provided for use by the Contractor.

_____/_____/_____
(Contractor Company) Contractor Title

_____/_____/_____
(Name of Contractor) Signature Date
Print

_____/_____/_____
(Name of Government Lead) Signature Date
Print

Figure 2. continued. Sample Contractor Visit and Briefing Agreement

ENCLOSURE D

CONTRACTOR VISITOR LOG

| Start Time | End Time | Meeting Location | Name of Company/ Organization | Participant's Names (Government and Civilian) | Office Symbol | NGB Sponsor Office | NGB Sponsor Name | Purpose of Visit (Demo, Capabilities Brief, etc.) | Date |
|------------|----------|------------------|-------------------------------|---|---------------|--------------------|------------------|---|------|
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Figure 3. Sample Contractor Visitor Log

ENCLOSURE E

REFERENCES

- a. 48 Code of Federal Regulations (CFR) Section 3.101, "Standards of Conduct"
- b. 5 CFR § 2635.101(b)(8), "Basic Obligations of Public Service"
- c. Federal Acquisition Regulation Part 3.104, Part 5.401, and subpart 24.1
- d. 32 CFR Part 117.17, "National Industrial Security Program Operating Manual, (NISPOM)" 24 February 2021
- e. Title 18 United States Code (U.S.C.) Sections 202, 203, 205, and 207, "Crimes and Criminal Procedure"
- f. Title 5 U.S. C. § 552, "The Freedom of Information Act," and § 552a, "The Privacy Act of 1974"
- g. Department of Defense Regulation 5500.07-R, 29 November 2007, "Joint Ethics Regulation (JER)," Incorporating Changes 1-7, 17 November 2011
- h. 5 CFR § 2635.203(a), "Use of Nonpublic Information"
- i. Title 41 U.S.C. Chapter 21, Section 2101-2107, "Restrictions on Obtaining and Disclosing Certain Information"

GLOSSARY

PART I. ACRONYMS

| | |
|------------|---|
| IAW | In accordance with |
| NG | National Guard |
| NGB | National Guard Bureau |
| NGB-AQ | Office of National Guard Bureau Acquisitions |
| NGB-AQ-SCO | Office of the Senior Contracting Official |
| NGB-GC | Office of the National Guard Bureau General Counsel |
| NGB-SB | Office of National Guard Bureau Small Business Programs |

PART II. DEFINITIONS

Freedom of Information Act -- The Federal law concerning public information, agency rules, opinions, orders, records, and proceedings.

Non-public Information -- Information employees gain by reason of Federal employment, which he or she knows (or reasonably should know) has not been made available to the general public.