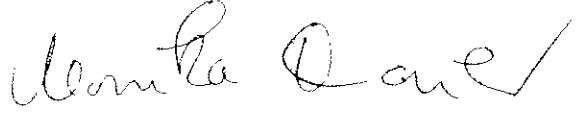


Administrative Instruction

Date: 18 November 2008
To: All UNOPS Staff
From: Monika Altmaier,
Director, OEC and HR 
AI Reference: AI/OEC/2008/06
Subject: **Post-Employment Restrictions**

Introduction

The United Nations Secretary-General, for the purpose of ensuring that the organization functions in an open, transparent and fair manner, and in accordance with the United Nations Staff Regulations 1.2 (i) and 1.2 (m), and Staff Rule 101.2 (o), promulgated the Secretary General's Bulletin on "Post-Employment Restrictions" (reference ST/SGB/2006/15).

Purpose

The purpose of this Administrative Instruction (AI) is to promulgate the policy on post-employment restrictions, attached, which is aligned with the abovementioned Secretary-General's bulletin of ST/SGB/2006/15.

Effective Date

This Administrative Instruction is effective 1 January 2009.

**ADMINISTRATIVE INSTRUCTION
(AI/OEC/2008/06)
POST-EMPLOYMENT RESTRICTIONS**

Section 1: Scope

- 1.1 This Administrative Instruction (AI) shall apply to all UNOPS staff members participating in the procurement process. This AI is aligned with the United Nations Secretariat policy on post-employment restrictions (reference ST/SGB/2006/15).
- 1.2 For the purpose of this AI “participating in the procurement process” shall mean personal, significant and substantive involvement in any of the following activities:
- (a) Drafting, reviewing or approving specifications or statements of work;
 - (b) Preparing or developing solicitations;
 - (c) Identifying potential contractors or vendors;
 - (d) Managing the contractor or vendor database or the registration of new contractors or vendors;
 - (e) Evaluating bids or proposals or selecting a source;
 - (f) Negotiating price or terms and conditions of the contract;
 - (g) Reviewing and approving the award of the contract;
 - (h) Signing the contract;
 - (i) Certifying, approving and making payments under the contract;
 - (j) Managing the contract;
 - (k) Reviewing contractor or vendor performance;
 - (l) Handling contractor’s or vendor’s protests or disputes;
 - (m) Auditing the procurement process.

Section 2: Restrictions on employment after separation of staff involved in the procurement process

- 2.1 For a period of one year following separation from service, former staff members who have participated in the procurement process for UNOPS before separation from service are prohibited from seeking or accepting employment with, or otherwise accepting any form of compensation or financial benefit from, any UNOPS contractor or vendor of goods or services, regardless of location, which conducts business with UNOPS or seeks to do so and with whom such staff members have been personally involved in the procurement process during the last three years of service with UNOPS.
- 2.2 For a period of two years following separation from service, former staff members who have participated in the procurement process for UNOPS before separation from service are prohibited from knowingly communicating with, or appearing before, any UNOPS personnel or unit of UNOPS on behalf of any third party on any particular matters that were under their official responsibility relating to the procurement process during the last three years of their service with UNOPS.

- 2.3 While in service, staff members participating in the procurement process shall refrain from soliciting or accepting, directly or indirectly, any promise or offer of future employment from any contractor or vendor of goods or services, regardless of location, which conducts business with UNOPS or seeks to do so and with whom such staff members have been personally involved in the procurement process during the previous three years of service with UNOPS. Should a staff member participating in the procurement process receive a promise or offer, the staff member shall immediately report the incident to his or her supervisor and to the General Counsel and recuse himself or herself from any further dealing with such contractor or vendor until instructed to do so by his or her supervisor.

Section 3: Sanctions for violation

- 3.1 Staff members who are found to have violated the provisions of section 2.3 of the present AI may be subject to disciplinary action under Chapter X of the United Nations Staff Rules.
- 3.2 Violation of any of the provisions of section 2.1 or 2.2 of the present AI by former staff members shall be recorded by a formal note in the individual's official status file indicating the nature of the violation and a recommendation against any future employment by UNOPS. In accordance with established procedures, such a note shall be brought to the attention of the individual concerned so that he or she has an opportunity to provide comments.
- 3.3 Any UNOPS contractor or vendor of goods or services who offers employment, hires or otherwise compensates staff members in violation of the provisions of the present AI may, after review by UNOPS, be subject to having its registration as a qualified contractor or vendor with UNOPS barred, suspended or terminated, in accordance with United Nations/UNOPS procurement policies and procedures.
- 3.4 All UNOPS contractors or vendors of goods or services shall be informed of the present AI, in particular the provisions of section 3.

Section 4: Clarification procedure

A staff member may seek clarification from the General Counsel as to whether his or her specific situation falls under the scope of the present AI.

Section 5: Entry into force

This AI shall enter into force on 1 January 2009.