



JCOPE ISSUES ADVISORY OPINION ON POST-EMPLOYMENT AND CONTRACT BIDDING

The Joint Commission on Public Ethics ("JCOPE") recently issued an advisory opinion, 16-03, which provides guidance regarding how to determine an individual's former State agency or agencies for purposes of post-employment restrictions and whether that former employee may submit a bid pursuant to a request for proposal ("RFP") issued by his or her former agency or agencies.

The opinion was issued in response to a request from a former employee of a State agency for a determination as to whether he could submit a bid on an "all-agency" contract for a training program. The Commission found that the post-employment restrictions set forth in Public Officers Law §73(8)(a) apply only to his former agency and do not extend to the subsidiaries agencies of his former agency. However, in light of the fact that bids on the "all-agency" contract would be reviewed by his former agency, his participation in the bidding process would constitute a prohibited appearance under the two year bar set forth in Public Officers Law § 73(8)(a)(i).

You can read Advisory Opinion 16-03 [here](#). All prior Advisory Opinions issued by JCOPE and its predecessor agencies can be found [here](#).

The Joint Commission on Public Ethics issues legal guidance to individuals and entities within its jurisdiction in the form of informal and formal opinions. If you seek such guidance, please send an email to jcope@jcope.ny.gov and include your full name and title, affiliation, contact information and a description of your circumstances.