

3.2 Employment of Current or Former WisDOT Employees by Consultants

WisDOT does not restrict the right of its employees to seek external employment, including with entities that routinely transact business with the Department. WisDOT has policies in place to assist employees in ensuring there are no conflicts of interest when seeking external employment. These conflict of interest policies ensure that such activities take place in an environment that does not bring into question the ethics of the Department, its employees and its business partners. WisDOT's Employee Handbook defines internal staff expectations regarding conflicts of interest and external employment.

A permanent or limited term employee will remain on WisDOT's payroll (in pay status) until all accrued leave time is exhausted or paid out. Depending on the option selected, the employee may still be on payroll beyond the last day physically on-the-job. Consultants are not prohibited from discussing and offering employment while the employee is on WisDOT's payroll including while exhausting their accrued leave time (no longer physically working).

The consultant's response to WisDOT's notice of interest, request for qualifications or proposals, or other procurement activities (including interviews) shall not name or otherwise refer to a permanent or limited term employee currently on WisDOT's payroll. Compliance with this policy is required commencing at submittal of the consultant responses and continuing through interviews (if held) and posting of selections.

Consultants will be eliminated from consideration for selections where the consultant violates this policy. If the consultant's inclusion occurs before the contract/work order is executed, the consultant's selection will be rescinded.

For the annual Construction Fair solicitation, the exclusion from projects for a consultant failing to adhere to this policy includes the initial selection posted in the fall for any region(s) where the WisDOT employee was working for both prime or sub-consultant participation. The consultant would be eligible to offer that employee for addenda selections as prime or sub-consultant, provided the permanent or limited term employee is no longer on WisDOT's payroll at the time of being considered for selection.

Standard contract provisions relating to conflict of interest prohibit consultants from performing contract work using persons employed by WisDOT on or after the date the contract was signed. WisDOT may approve exceptions to this provision, on a case-by-case basis, if WisDOT determines that the employee had no involvement or oversight in the selection, negotiation, or administration of the subject contract while working for WisDOT.

- Project contracts - this provision applies to all solicited work, but does not carry through to follow-on activities (such as from design to construction).
- Period/Phased contracts - this provision applies to all solicited work spanning multiple agreements (such as Years 1, 2, and 3).
- Master contracts - this provision applies to all work orders.

Questions regarding this section should be directed to the Statewide Consultant Engineer.