



Organizational Conflict of Interest (OCI) enclosure to RFP No. _____

ORGANIZATIONAL CONFLICTS OF INTEREST (OCI) DISCLOSURE OR REPRESENTATION

It is the policy of Nuclear Waste Partnership LLC (NWP) to avoid situations which place an offeror in a position where its judgment may be biased because of any past, present, or currently planned interest, financial or otherwise, the offeror may have which relates to the work to be performed pursuant to this solicitation or where the offeror's performance of such work may provide it with an unfair competitive advantage. (As used herein, "offeror" means the proposer or any of its affiliates or proposed consultants or subcontractors of any tier.) Therefore:

- a) The offeror shall provide a statement which describes in a concise manner all relevant facts concerning any past, present or currently planned interest (financial, contractual, organizational, or otherwise) relating to the work to be performed hereunder and bearing on whether the offeror has a possible organizational conflict of interest with respect to:

- 1) being able to render impartial, technically sound, and objective assistance or advice
- 2) being given an unfair competitive advantage

The offeror may also provide relevant facts that show how its organizational structure and/or management systems limit its knowledge of possible organizational conflicts of interest relating to other divisions or sections of the organization and how that structure or system would avoid or mitigate such organizational conflict.

- b. In the absence of any relevant interest referred to above, the offeror shall submit a statement certifying that to its best knowledge and belief no such facts exist relevant to possible organizational conflicts of interest. Proposed consultants and subcontractors are responsible for submitting information and may submit it directly to the Department of Energy (DOE) with a copy of the transmittal letter to NWP.
- c. NWP will review the statement submitted and may require additional relevant information from the offeror. All such information, and other relevant information known to NWP and/or the DOE, will be used to determine whether an award to the offeror may create an organizational conflict of interest. If a conflict is found to exist, NWP and the DOE may
 - 1) Impose appropriate conditions which avoid such conflict
 - 2) Disqualify the offeror; or
 - 3) Determine that it is otherwise in the best interests of NWP and the government to contract with the offeror by including appropriate conditions mitigating such conflict in the subcontract.
- d. The refusal to provide the disclosure or representation and any additional information as required shall result in disqualification of the offeror for award. The nondisclosure or misrepresentation of any relevant interest may also result in the disqualification of the offeror for award, or if such nondisclosure or misrepresentation is discovered after award, the resulting subcontract may be terminated for default. The offeror may also be disqualified from subsequent related NWP and/or DOE subcontracts, and be subject to such other remedial action as may be permitted or provided by law or in the resulting subcontract. The attention of the offeror in complying with this provision is directed to 18 U.S.C. 1001.

- e. Depending on the nature of the subcontract activities, the offeror may, because of possible organizational conflicts of interest, propose to exclude specific kinds of work from the statement, unless the solicitation specifically prohibits such exclusion. Any such proposed exclusion by an offeror shall be considered by NWP in the evaluation of proposals, and if NWP considers the proposed excluded work to be an essential or integral part of the required work, the proposal may be rejected as unacceptable.
- f. No award shall be made until the disclosure or representation has been evaluated by NWP. Failure to provide the disclosure or representation will be deemed to be a minor informality (FAR 14-405) and the offeror or subcontractor shall be required to promptly correct the omission.
- g. (Do not complete both). Either statement shall be accompanied by a complete OCI questionnaire as provided at paragraph i., cited below.

☐ Applicable OCI Representation Statement

I hereby certify (or a representative of my organization I hereby certify) that, to the best of my knowledge and belief, no facts exist relevant to any past, present, or currently planned interest or activity (financial, contractual, personal, organizational, or otherwise) that relate to the proposed work; and bear on whether I have (or the organization has) a possible conflict of interest with respect to:

- 1) Being able to render impartial, technically sound, and objective assistance or advice, or
- 2) Being given an unfair competitive advantage.*

Signature: _____

Date: _____

Organization: _____

Name: _____

Title: _____

Company: _____

* An unfair competitive advantage does not include the normal flow of benefits from the performance of the subcontract.

☐ Applicable OCI Disclosure Statement

I hereby certify (or a representative of my organization I hereby certify) that, to the best of my knowledge and belief, all relevant facts concerning past, present, or currently planned interests or activities (financial, contractual, personal, organizational, or otherwise) that relate to the proposed work; and bear on whether I have (or the organization has) a possible conflict of interest with respect to 1)being able to render impartial, technically sound, and objective assistance or advice, or 2) being given an unfair competitive advantage*, are fully disclosed in paragraph I and on the attached ____ page(s) and formatted to show:

- 1. For ease of presentation, divide the disclosure information to address the following four parts: organizational, contractual, financial, and other.
- 2. The company, agency, organization in which you have past, present, or currently planned interest or activities (financial, contractual, organizational, or otherwise).
- 3. A brief description or relationship.
- 4. The period of relationship.
- 5. The extent of relationship (e.g., value of financial interest of work, percent of total holdings, total work, etc.).

Signature: _____

Date: _____

Organization: _____

Name: _____

Company: _____

* An unfair competitive advantage does not include the normal flow of benefits from the performance of the subcontract.

h. Disclosure Format

With respect to past, present, and currently planned interests (financial, contractual, organizational, or otherwise) the bidder/offeror should furnish a list of past, present and currently planned activities (including contracts) that relate to the work to be performed under the solicitation. The list may be in a columnar format showing:

- The company (or agency) for which the work is being, has been, or will be performed.
- Nature of work (a brief description)
- Period of performance for the work
- Dollar value of the work
- Sales and marketing activity

Similar information should be provided by the covered subcontractors and consultants relating to the work to be performed by them under the solicitation.

i. Applicable OCI Questionnaire

The following questionnaire shall be complete in addition to paragraph g. and h. above.

1. Will you (or your organization) be involved in performance of any portion of proposed work?
☐ Yes. The portion of the proposed work, the proposed hours and dollar value, and the type of involvement are fully disclosed on the attached pages.
2. What is (are) the major type(s) of business conducted by you (or your organization)? Please reply on the attached pages.
3. Do you (or your organization) have any affiliates?
☐ Yes. The name and description of the major type(s) of business that each affiliate conducts are disclosed on the attachment pages.
4. Will any of the following be involved in performing the proposed work: (a) any other entities owned or represented by you (or your organization); (b) your organization's Chief Executive, any of its directors, or (c) any affiliates?
☐ No
☐ Yes. A full disclosure and discussion is given in the attached pages.
5. Are you (or your organization) an energy concern?
☐ No
☐ Yes. A full disclosure and discussion is given in the attached pages.

6. Do you (or your organization) have a direct or indirect relationship (financial, organizational, contractual, or otherwise) with any business entity that could be affected in any way by the proposed work?
- ☐ No
- ☐ Yes. List the business entity(ies) showing the nature of your relationship and how it would be affected by the proposed work
7. What percentage of your total income for the current and preceding fiscal year resulted from arrangements with any of the entities identified in Question 6 above?
- _____ % For the current fiscal year, lasting from ____/____/____ to ____/____/____.
- _____ % For the preceding fiscal year, lasting from ____/____/____ to ____/____/____.
8. Do you (or your organization) currently have or have you had during the past six (6) years any arrangements (i.e., contracts, cooperative agreements) awarded, administered, or funded, wholly or partly, by the DOE or any other federal agency that relate to the proposed Statement of Work?
- ☐ No
- ☐ Yes. A full disclosure and discussion is given in the attached pages.
9. Do you (or your organization) have or have you ever had contract, special clauses, or other arrangements that prohibit you (or your organization) from proposing work to be performed in this solicitation or any portion thereof?
- ☐ No
- ☐ Yes. A full disclosure and discussion is given in the attached pages.
10. Do you (or your organization) have any involvement with or interest (direct or indirect) in technologies that are or may be subject of the contract, or that may be suitable for such technologies?
- ☐ No
- ☐ Yes. A full disclosure and discussion is given in the attached pages.
11. Could you (or your organization) in either your private or Government business pursuits utilize information in the performance of the proposed work, such as:
- a. Data generated under the subcontract?
- b. Information concerning DOE plans and programs?
- c. Confidential and proprietary data of others?
- ☐ No
- ☐ Yes

12. Under the proposed work, will you (or your organization) evaluate or inspect your own services or products, or the services or products of any other entity that has a relationship (i.e., client, organizational, financial, or other) with you (or your organization)? This could include evaluating and inspecting a competitor's goods and services.

- ☐ No
- ☐ Yes. A full disclosure and discussion is given in the attached pages.

13. To avoid what you perceive as a possible organization conflict of interest, do you (or your organization) propose to:

- a. Exclude portions of the proposed work?
- b. Employ special clauses?
- c. Take other measures?

- ☐ No
- ☐ Yes. A full disclosure and discussion is given in the attached pages.
- ☐ No possibility of an organizational conflict of interest is perceived. This answer may be briefly justified on the attached pages.

I hereby certify that I have the authority to represent my organization and that to the best of my knowledge and belief, the facts and representations presented on the pages of this questionnaire are accurate and complete.

Signature: _____

Date: _____

Organization: _____

Name: _____

Title: _____

Company: _____