

ORGANIZATIONAL CONFLICT OF INTEREST

I. INSTRUCTIONS

Read Part II carefully. If a disclosure statement is required, complete Part III. If a representation is submitted, complete Part IV. Complete Part V in every case.

II. ORGANIZATIONAL CONFLICT OF INTEREST DISCLOSURE OR REPRESENTATION

It is Department of Energy (DOE) policy 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 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 of 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 other objective assistance or advise, or (2) being given an unfair competitive advantage. The offeror may also provide relevant facts that show how possible organizational conflict of interest relating to other divisions or sections of the organizations 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 Pacific International Center for High Technology Research Contract Representative.
- (c) Pacific International Center for High Technology Research will review the statement submitted and may require additional relevant information from the offeror. All such information, and any other relevant information will be used by DOE to determine whether an award to the offeror may create an organizational conflict of interest. If found to exist, DOE may direct Pacific International Center for High Technology Research to (1) impose appropriate conditions which avoid such conflict, (2) disqualify the offeror, or DOE may determine that it is otherwise in the best interest of the United States for Pacific International Center for High Technology Research to contract with the offeror by including appropriate conditions mitigating such conflict in the contract awarded.
- (d) The refusal to provide the disclosure or representation of 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 disqualification of the offeror for award, or if such nondisclosure or misrepresentation is discovered after award, Pacific International Center for High Technology Research may terminate the contract for default, recommend that DOE disqualify the contractor from subsequent related contracts, or be subject to such other remedial actions as may be permitted or provided by law. The attention of the offeror in complying with this provision is directed to 18 U.S.C. 1001 and 31 U.S.C. 3802(a)(2).
- (e) Depending on the nature of the contract 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 Pacific International Center for High Technology Research in the evaluation of proposals, and if Pacific International Center for High Technology Research 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 DOE. Failure to provide the disclosure or representation will be deemed to be a minor informality and the offeror or contractor shall be required to promptly correct the omission.

III. DISCLOSURE STATEMENT: (attach additional pages if more space is needed)

IV. REPRESENTATION

The offeror, _____, hereby represents that it is aware of no past, present, or currently planned interest (financial, contractual, organizational, or otherwise) relating to the work to be performed under the contract resulting from Request for Proposal No. _____ that would indicate any impingement upon its ability to render impartial, technically sound, and objective assistance or advice or result in it being given an unfair competitive advantage. This representation applies to all affiliates of the offeror and its proposed consultant or subcontractors of any tier.

V. SIGNATURE

Offeror's Name _____

RFP/Contract No. _____

Signature _____

Title _____

Date _____