

U.S. DEPARTMENT OF ENERGY
ORGANIZATIONAL CONFLICTS OF INTEREST INFORMATION ABSTRACT

Two sections of the Information Abstract (Section A, Contract File Information; Section B, Abstract Questions) are to be completed by the Contracting Officer's Technical Representative and the Contract Specialist for (1) all offerors in the competitive range for Source Evaluation Board Procurement; (2) for all other competitive procurements after selection but prior to award; and (3) for noncompetitive procurements prior to award.

Once completed, these two sections are an Information Abstract of the procurement and of potential areas of OCI encompassing both the proposed work and the proposed contractor. The Information Abstract becomes the principal basis upon which the Contracting Officer's finding (Section C) as to the existence of a possible conflict is made and is the principle basis of review of that finding by the Procurement Organizational Conflict of Interest Reviewing Official. Note that for Source Evaluation Board procurements, the Source Selection Official makes the Organizational Conflicts of Interest Finding in the Selection Statement.

SECTION A
CONTRACT FILE INFORMATION

INSTRUCTION — Careful examination of the following documents is necessary since they provide most of the information needed to complete Section B, Abstract Questions, and Section C, Contracting Officer's Finding. The documents are to be placed in the contract file under tabs. Should there be any doubt as to the nature or extent of the Offeror's activities in any area of possible conflict (bias or unfair competitive advantage), the missing information should be obtained from the offeror.

TITLE AND DESCRIPTION	TAB NO.
1. The Procurement Request and the Pre-Procurement OCI Fact Sheet	
2. The latest revised statement of work (or proposed contract)	
3. Relevant portions of the contractor's proposal describing the offeror's work for others, experience pertinent to the proposed DOE effort, as well as the resumes of key personnel, a current annual report and 10K statement (if filed by the offeror).	
4. The disclosure and representation statements and any other information bearing on the organizational conflict of interest determination which has been submitted or disclosed by any of the following: (a) The offeror. (b) Intended consultants or subcontractors at any tier where they may be performing services similar to the services performed by the prime contractor. (c) Affiliates of the foregoing. (d) Chief executives and directors of any of the foregoing who will be involved in the performance of the contract.	
5. A listing of prior or existing contracts with the proposed contractor, taken from the DOE computer list of contractors and any other such contractor data that Procurement or the program office may maintain.	
6. Abstract Questions.	

**SECTION B
ABSTRACT QUESTIONS**

INSTRUCTIONS – After analyzing the questions below in light of the information presented in Section A, an abstract of possible OCI (bias or unfair competitive advantage) must be prepared responding to each question. Questions (1) to (5) are particularly important since they treat information related to a possible OCI. For questions (1) to (5) a statement of facts and an analysis (on a separate sheet) is to be prepared stating why the potential for conflict is unlikely where a “No” answer is given, and why there exists a possible conflict where a “Yes” answer is given. These questions apply equally to (1) the offeror, (2) intended subcontractors at any tier, (3) consultants, (4) affiliates of the foregoing, and (5) chief executives and directors of any of the foregoing who will be involved in performing the contract and, accordingly, that the term “offeror” is defined to include all five types of considerations.

<p>1. Does the offeror have any involvement with or interests in technologies which may be subjects of the contract or which are substitutable for such technologies?</p> <p>This involvement or interest could take any form, including interest in relevant proprietary processes or in patents; interests in energy consuming or producing industries (utilities) or ancillary industries (oil drilling, railroads) which could be affected by the technologies; and interests in energy resources (coal, timber, natural gas, geothermal sites).</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>2. Does the offeror depend upon industries or firms which could be affected by DOE actions related to the contract for a significant portion of its business, or have a relationship (financial, organizational, contractual or otherwise) with such industries or firms which could impair its objectivity or independence?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>3. Would any unfair competitive advantage accrue to the offeror in either its private or government business pursuits from access to:</p> <p>(a) data generated under the contract?</p> <p>(b) information concerning DOE plans and programs?</p> <p>(c) confidential and proprietary data of others?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>4. Where work in support of DOE's regulatory activities is contemplated, could any possible advantage or restriction flow from these regulatory activities directly to the offeror, or to its business clients?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>5. Will the offeror perform any self-evaluation or inspection of a service or product, or evaluation or inspection of another with whom a relationship exists which could impair objectivity, including evaluation or inspection of goods or services which compete commercially with the performer's goods or services?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>6. Will any of the offeror's chief executives, directors, or entities which they own or represent, or any of the offeror's affiliates be involved in the performance of the contract?</p> <p>If “Yes,” has an adequate disclosure or representation statement been obtained from such executive, director, entity, or affiliate?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>7. What clauses pertaining to OCI are to be included in the contract? Attach copies of any OCI clauses other than those prescribed by DEAR Subsections 909.570-8(a) or 8(b)</p>	
<p>8. Are you aware of any other information relating to this proposed contract, proposed contractor, or Government personnel involved which could reasonably be construed as creating an OCI?</p> <p>If “Yes,” please explain:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**SECTION C
ABSTRACT QUESTIONS**

1. Based upon all information available to you, in your opinion, would award to the offeror result in a possible OCI with respect to the offeror or any of the intended subcontractors or consultants:

(a) being able to render impartial, technically sound or objective assistance or advice in light of other interests or relationships with other persons?

Yes No

(b) being given unfair competitive advantage?

Yes No

Contracting Officer's Technical
Representative

Date

Contract Specialist

Date

Concur _____

Assistant Secretary's
Administrator's, Head of Field
Organization's, Designee

Date

**SECTION D
CONTRACTING OFFICER'S FINDING**

DEAR 909.570-9 mandates a finding by the Contracting Officer as to whether possible organizational conflicts of interest exist with respect to a particular offeror or whether there is no likelihood that such conflicts exist. The following is a finding to be used if the Contracting Officer determines there is little or no likelihood of a conflict of interest.

Based upon my review of the Contract File Information, and based upon my review of the information and analysis contained in the Abstract Questions, I hereby affirmatively find, in accordance with DEAR 909.570-9, that there is little or no likelihood that a possible conflict of interest would exist if award is made to the offeror.

Contracting Officer

Date

Concur _____

Procurement Organizational Conflicts of
Interest Reviewing Official

Date