

The Government anticipates the award of an Indefinite Delivery Indefinite Quantity (IDIQ) contract under which individual task orders will be issued. The primary method to avoid, neutralize or mitigate any potential OCOI will be to preclude a contractor from award of a task order that would result in a conflict. The following are clauses that will be in the solicitation, contract, and task orders to address potential OCOI.

The provision entitled “ORGANIZATIONAL CONFLICT OF INTEREST CERTIFICATION” (EPAAR 1552.209-72) will be included in Section K of the solicitation so offerors shall be required to certify, to the best of their knowledge and belief, that they are not aware of any information bearing on the existence of any significant potential organizational conflicts of interest. The provision entitled “ORGANIZATIONAL CONFLICTS OF INTEREST NOTIFICATION” (EPAAR 1552.209-70), also included in Section L of the solicitation, shall require the offeror to provide a disclosure statement in its proposal describing all relevant information concerning past, present or planned interests bearing on whether it or any proposed subcontractors or consultants may have a potential organizational conflict of interest.

As required for all contracts in excess of the simplified acquisition threshold, the clause “ORGANIZATIONAL CONFLICTS OF INTEREST” (EPAAR 1552.209-71) will ensure detection of conflicts of interest that may arise during performance. In addition, clause “NOTIFICATION OF CONFLICTS OF INTEREST REGARDING PERSONNEL” (EPAR 1552.209-73) requires the contractor to notify the Government in the event a contract employee has a personal potential or actual conflict of interest.

The provision “MINIMUM STANDARDS FOR EPA CONTRACTOR'S CONFLICT OF INTEREST PLANS” presents the EPA’s minimum standards for the offeror’s development of a conflict of interest plan. Provision “SUBMISSION OF ORGANIZATIONAL CONFLICT OF INTEREST PLAN” requires the offeror to submit their plan.

The following clauses will be included in the solicitation in Section H (Special Contract Requirements):

To address potential future COI issues, the clause “LIMITATION OF FUTURE CONTRACTING (ROC)” places limitations on when the contractor will be eligible for future contracts.

“TASK ORDER CONFLICT OF INTEREST CERTIFICATION” With task order proposal submission, the contractor shall provide a conflict of interest certification. Where task orders are issued under the contract for work on or directly related to a site, the contractor is only required to provide a conflict of interest certification for the first task order issued for that site. For all subsequent work on that site, under the contract, the contractor has a continuing obligation to search and report any actual or potential conflicts of interest, but no additional conflict of interest certifications are required.

The contractor also will agree that if actual or potential OCOI are identified during performance of a related effort, it will make full disclosures in writing to the CO immediately. Disclosures

shall include descriptions of actions which the contractors have taken or propose to take, after consultation with the CO, to avoid, neutralize or mitigate the conflict.

“PROJECT EMPLOYEE CONFIDENTIALITY AGREEMENT” (EPAAR 1552.227-76) requires the contractor to obtain employee confidentiality agreements from all employees working on requirements under this contract, and prohibits disclosure of site specific cost information or any enforcement strategy.

The solicitation will also include the “REGIONAL CROSSOVER” clause which will allow the Government to use other ROC contractors whenever an OCOI exists during contract performance; and cannot be avoided, neutralized, or mitigated.

Furthermore, the following restrictions will be included in the solicitation in Section M (Evaluation Factors for Award):

The provision “EVALUATION OF CONFLICT OF INTEREST PLAN” specifies that the offeror’s COI plan will be evaluated as part of a responsibility determination, and will be evaluated as either acceptable or not acceptable. In accordance with FAR 9.504(e), before determining to withhold award based on conflict of interest considerations, the CO shall notify the offeror and allow it a reasonable opportunity to respond. A proposal with a submitted COI plan determined to be unacceptable at time of award shall be ineligible for award.

In addition, the solicitation requires that the offeror to submit with its proposal a site-specific disclosure notification in accordance with the provision “DISCLOSURE REQUIREMENTS FOR ORGANIZATIONAL CONFLICT OF INTEREST (DEVIATION)” to help the Government evaluate actual and potential conflicts prior to award. The solicitation will identify the following Federal facilities where work is expected to be performed during the period of performance of the contract:

1. Brookhaven National Labs, Upton, New York,
2. Coast Guard Facilities throughout New York, New Jersey, Puerto Rico, and the US Virgin Islands,
3. Culebra Island, Puerto Rico,
4. FAA Technical Center, Atlantic County, New Jersey,
5. Flamingo Bay Test Areas,
6. Formerly Used Defense Sites throughout New York, New Jersey, Puerto Rico, and the US Virgin Islands,
7. Fort Allen, Puerto Rico,
8. Griffiss Air Force Base, Rome, New York,
9. UST Facilities throughout New York, New Jersey, Puerto Rico, and the US Virgin Islands,
10. Maywood Chemical Works, Bergen County, New Jersey,
11. McGuire Air Force Base, Burlington County, New Jersey,
12. Middlesex Sampling Plant, Middlesex, New Jersey,
13. Naval Air Engineering Station, Lakehurst, New Jersey,
14. Picatinny Arsenal, Rockaway Township, New Jersey,

15. Plattsburgh Air Force Base, Plattsburgh, New York,
16. Seneca Army Depot, Romulus, New York,
17. Somerville Depot, Somerville, New Jersey,
18. USPS JAF Building, New York, New York, and
19. Vieques Island, Puerto Rico

Besides the site-specific disclosure notification requirements above, a potential OCOI may exist with offerors that have significant overall business relationships with certain Federal departments responsible for the sites listed above. Offerors responding to this solicitation are required to disclose such business relationships and provide the following information:

	(A)	(B)
Federal Department	Total Revenues from this Federal Department	Column (A) as a Percentage of Total Corporate Revenue
Department of Defense (proper)		
Department of Navy		
Department of Army		
Department of the Air Force		
Department of Energy		
Federal Aviation Administration		
U.S. Coast Guard		
U.S. Postal Service		

EPA will have the opportunity to assess its vulnerabilities relative to OCOI of individual offerors prior to award of the ROC-4 contract. As part of the pre-award responsibility determination, EPA will review this information and determine if the volume of the disclosed work, if any, poses any significant conflicts. Offerors that have significant COI will be notified and afforded the opportunity to provide a plan to avoid, neutralize or mitigate the conflicts. If an offeror cannot avoid, neutralize or mitigate identified conflicts, then it will be ineligible for award.

The provision “EVALUATION OF ORGANIZATIONAL CONFLICT OF INTEREST DISCLOSURE STATEMENT” specifies that the offeror’s disclosure statement will be evaluated as either acceptable or not acceptable. A proposal with a submitted disclosure statement determined to be unacceptable at time of award shall be ineligible for award.