

**ADVISORY BOARD ON RADIATION
AND WORKER HEALTH**

Conflict of Interest Plan


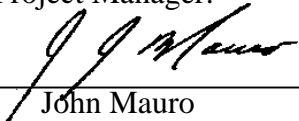
Contract No. 200-2004-03805

Prepared by

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December 2004

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S. Cohen & Associates: <i>Technical Support for the Advisory Board on Radiation & Worker Health Review of NIOSH Dose Reconstruction Program</i>	Document No. SCA-PLAN-0002
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COI Plan Administrator:  _____ Stephen Ostrow Date: <u>12/15/04</u>	Supersedes: N/A
Project Manager:  _____ John Mauro Date: <u>12/15/04</u>	

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1.0 PURPOSE

S. Cohen & Associates (SC&A) holds Contract No. 200-2004-03805 in support of the National Institute for Occupational Safety and Health (NIOSH) Advisory Board on Radiation and Worker Health (the Advisory Board) to perform an independent review of the NIOSH dose reconstruction program under the Energy Employees Occupational Illness Compensation Program Act of 2000. It is essential that the work under this contract be performed free of any conflict of interest – organizational and individual, actual and perceived. The purpose of this document is to describe the methods employed by SC&A and its team to detect, avoid, and mitigate any potential conflicts of interest.

2.0 BACKGROUND

The government defines (in FAR 2.101 and further described in FAR 9.5) organizational conflict of interest (OCI) as a condition where a relationship or situation exists whereby an offeror or a contractor (including chief executives and officers, to the extent that they will or do become involved in the performance of the contract, and consultants or subcontractors, where they may be performing services similar to the services provided by the prime contractor) has past, present, or currently planned interests that, either directly or indirectly through a client contractual, financial, organizational, or other relationship, may relate to the work to be performed under a government contract and which may:

- (a) diminish the individual's or organization's capacity to render impartial assistance or advice to the government;
- (b) impair the individual's or organization's objectivity in performing the work; or
- (c) result in an unfair competitive advantage.

The definition of OCI does not, however, include a normal flow of benefits from the performance of the contract.

In addition to complying with government COI requirements, SC&A adopts the Code of Ethics of the National Society of Professional Engineers that states that engineers shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence or appear to influence their judgment or the quality of their services. The Code of Ethics further states that engineers shall not accept compensation or other valuable consideration from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties, and that engineers shall not solicit or accept financial or other valuable consideration from contractors, their agents, or other parties in connection with work for employers or clients for which they are responsible.

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3.0 COI CONSIDERATIONS UNDER THE SPECIFIC CONTRACT

Under Contract No. 200-2004-03805 in support of the NIOSH Advisory Board on Radiation and Worker Health, SC&A and its team members avoid conflicts of interest by not bidding on or performing any work for NIOSH, Oak Ridge Associated Universities (ORAU), or the ORAU primary teaming partners performing work under Contract No. 200-2002-00593 during the entire period of performance of the SC&A contract. Moreover, SC&A and its team members do not accept any work from the Department of Energy (DOE), a DOE contractor, an Atomic Weapons Employer (AWE), or an AWE contractor that is related to radiation dosimetry, and carefully evaluate with the Advisory Board any other work for these entities that may result in a possible or perceived conflict with the scope of work for this contract. Should SC&A harbor any doubts about the potential for conflict between the work on this contract and any work for DOE, a DOE contractor, an AWE, or an AWE contractor, it seeks guidance from the Advisory Board Contracting Officer.

4.0 RESPONSIBILITIES

President of SC&A: The President of SC&A participates, as required, in discussions with the COI Plan Administrator and Project Manager to determine if a conflict of interest exists for a particular individual or for a particular project. If a conflict or perceived conflict of interest may exist, he communicates that information to the Advisory Board Contracting Officer.

SC&A Contract Manager: The SC&A Contract Manager maintains a database of all active and completed contracts and current proposals, which serves as a resource for review by the Contract Manager and others of potential conflicts of interest.

SC&A Division Managers: SC&A Division Managers will contact the COI Plan Administrator before bidding on any work for DOE, a DOE contractor, an AWE, or an AWE contractor. The Division Managers will also communicate any potential conflicts of interest they become aware of to the Project Manager and the COI Plan Administrator.

Project Manager: The SC&A Project Manager (who is also a corporate officer) works with the COI Plan Administrator to review for potential conflicts of interest new opportunities that the company is considering undertaking to assure overall COI Plan compliance. The Project Manager also coordinates with the other organizations in the team to assure that they comply with COI Plan provisions for the duration of the contract.

COI Plan Administrator: The COI Plan Administrator (SC&A's QA Manager) administers and revises the COI Plan as required, and ensures that all project personnel are trained in the provisions of the Plan (including any revisions) and comply with its procedures. The COI Plan Administrator is responsible for obtaining, reviewing, and filing COI Certifications of the companies and individuals performing under the contract; recording and filing his determinations on Conflict of Interest Certification Review Sheets; obtaining and filing signed COI Plan Acknowledgment Forms from project members attesting that they have read and understood the Plan (and any revisions); maintaining a list showing the DOE and AWE sites at which all individuals working on the project have worked; and working with the Project Manager in

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identifying any organizational or individual potential conflicts of interest and reporting them to the Advisory Board.

Organizational Team Members: Organizations on the SC&A team review new opportunities that they are considering pursuing for potential conflicts of interest, as defined in this plan, and consult the SC&A Project Manager and the COI Plan Administrator if any clarifications of COI provisions are required. Organizational team member management ensures that COI Certifications have been completed and forwarded to the COI Plan Administrator by each individual prior to performance on the project, and informs the COI Plan Administrator of any changes occurring during the project that may affect COI compliance.

Individual Team Members: Individuals on the project review the COI Plan (and its revisions) and acknowledge their understanding of its provisions to ensure their compliance with them via a COI Plan Acknowledgment Form. Individuals also execute a COI Certification prior to performance on the project and notify their management during the project of any changes in status that may affect COI compliance.

5.0 CONFLICT OF INTEREST PLAN

5.1 Searching for Potential Organizational Conflicts of Interest

SC&A's Contract Manager maintains an up-to-date database of all active and completed contracts and current proposals as part of SC&A's Management Information System (MIS). Information entered includes the client for which the work is or was performed, the contract number, the type of contract, a description of the work, the period of performance, the dollar value, the project manager's name, and, if applicable, the site or sites examined in the course of the work. The SC&A Contract Manager searched and evaluated this database prior to contract award to ensure compliance with OCI requirements and will monitor it during the course of the project to ensure continued compliance.

5.2 Avoidance of Potential Organizational Conflicts of Interest

SC&A Division Managers are provided a copy of this COI Plan. Because the Division Managers are responsible for all bid and proposal activities within their divisions, they are instructed to contact the COI Plan Administrator before bidding on any work for DOE, a DOE contractor, an AWE, or an AWE contractor.

If the bid under consideration by a Division Manager is for NIOSH, ORAU, or an ORAU primary teaming partner, the SC&A Division Manager is instructed not to bid on the work. For potential bids to DOE, a DOE contractor, an AWE, or an AWE contractor, the SC&A Division Manager is instructed to describe the work to the COI Plan Administrator before bidding on the project. If the work is radiation dosimetry-related, the SC&A Division Manager is instructed not to bid on the project. For all other work for these entities, the SC&A Division Manager discusses the nature and extent of the work with the COI Plan Administrator to evaluate the potential for actual or perceived conflicts of interest. If necessary, the discussions are elevated to

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the President of SC&A, and if all parties are still in doubt, he will seek guidance from the Advisory Board Contracting Officer.

5.3 Avoidance of Potential Team Member and Individual Conflicts of Interest

All team members and individuals working on the contract receive a copy of this COI Plan, execute a COI Certification (see Exhibit A) at the start of their involvement in the project, and complete the COI Plan Acknowledgement Form (see Exhibit B) when first receiving a copy of the Plan and subsequent revisions. The COI Plan Administrator reviews COI Certifications and records the reviews on Conflict of Interest Certification Form Review Sheets (see Exhibit C). Individuals certifying that they are serving or have served as expert witnesses (including non-testifying witnesses) in any litigation defending worker compensation or other radiation-related claims on behalf of DOE, a DOE contractor, an AWE, or an AWE contractor are barred from working on the contract. Individuals who certify that they are performing any work for NIOSH, ORAU, or a company that is teamed with ORAU on NIOSH Contract No. 200-2002-00593 are also barred from working on the project. Individuals who have worked for NIOSH, ORAU, or a company teamed with ORAU on NIOSH Contract No. 200-2002-00593 in the past are carefully evaluated for actual or perceived conflicts of interest; individuals who have worked for DOE, DOE contractors, AWEs, or AWE contractors are evaluated in a similar manner.

The COI Plan Administrator maintains the information compiled from the individual COI Certifications in a table indicating the DOE and AWE sites at which all individuals working on the project have a prior work history. Before any work is performed at a site, this table is searched and individuals identified as having prior work history for DOE or an AWE at that site are barred from serving as lead reviewer for the site profiles or dose reconstructions. However, such individuals may serve as subject experts.

5.4 Reporting of Potential Organizational or Individual Conflicts of Interest

Despite all of the precautions described above to avoid both organizational and individual conflicts of interest, there is always the possibility that a situation could arise that involves a potential conflict of interest. In their training (see Section 7.0), all individuals assigned to this project are instructed to report any known incidences of potential conflicts of interest, either organizational or individual, to the SC&A Project Manager and COI Plan Administrator, who then confer with the President of SC&A. The SC&A Project Manager, COI Plan Administrator, and SC&A President then review the circumstances and obtain additional information, if necessary. Should they conclude that the reported circumstances might involve an actual or perceived conflict of interest, the President of SC&A reports in writing to the Contracting Officer and forwards a copy to the Project Officer.

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5.5 Conflict of Interest Mitigation or Neutralization

Should the Contracting Officer conclude that circumstances involve a potential or actual conflict of interest, the Project Manager, in consultation with the President of SC&A, takes one of the following actions as appropriate to mitigate or neutralize the conflict of interest:

- Precludes the individual or individuals that give rise to the conflict of interest from either working on the contract or a specific review and reassigns the work to another or other individuals
- Reassigns the work from the team member that gave rise to the conflict of interest to the prime contractor (SC&A) or another team member (if available)
- If the conflict of interest involves the prime contractor (SC&A), the Project Manager assigns the position of the work that gives rise to the conflict of interest to another team member
- Cancels or refuses the outside work that gives rise to the conflict of interest with the work under the Advisory Board contract
- Stops work on the task

6.0 DOCUMENTATION

The COI Plan, the team member and individual COI Certifications, the Conflict of Interest Certification Form review Sheets, and the individual COI Plan Acknowledgment Forms are maintained in a secure file at the SC&A Headquarters in McLean, Virginia, under the direction of the COI Plan Administrator, and are available at any time during normal business hours for review by the Advisory Board, the Contracting Officer, or their designee. The COI Plan is reviewed annually for applicability and completeness, and changes are made as necessary and submitted to the Contracting Officer for approval. Also, an annual COI Certification at the contract level is submitted to the Contracting Officer, with a copy sent to the Project Officer and a copy maintained at the SC&A Headquarters by the COI Plan Administrator (see Section 8.0 for certification language).

7.0 TRAINING

The COI Plan Administrator supervises training of each individual working on the contract in the basic principles of conflict of interest upon inception of his or her involvement in the contract, and retraining thereafter whenever the Plan is revised. The COI Plan Administrator distributes a copy of this COI Plan, including the individual COI Certification and COI Plan Acknowledgement Form, to each team member to fill out and sign. The individual certifies on the COI Plan Acknowledgement Form that he or she understands the provisions of the COI Plan and his or her specific responsibilities under the Plan.

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8.0 ANNUAL (CONTRACT) CERTIFICATION LANGUAGE

“To the best of our knowledge, no facts exist relevant to any past, present, or currently planned interest or activity (financial, contractual, personal, organizational, or otherwise) which relate to the work, and suggest that SC&A 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. Should this situation change, appropriate steps will be taken as prescribed by the contract, and the Contracting Officer and Project Officer will be notified.”

9.0 TEAM MEMBER COI PLANS

All team members are required to have plans containing procedures and policies for the avoidance and mitigation of conflict of interest similar to those contained in this plan. The COI language contained in the prime contract flows down to any subcontracts issued under the prime contract with the Advisory Board. The subcontracts also contain a clause requiring the subcontractor to notify SC&A in the event of an actual or potential conflict of interest, so that SC&A can take whatever steps are necessary to avoid, mitigate, or neutralize the conflict, as provided in Section 5.5 of this plan.

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EXHIBIT A: CONFLICT OF INTEREST CERTIFICATION

CONFLICT OF INTEREST CERTIFICATION UNDER CDC CONTRACT NO. 200-2004-03805

- I. Are you performing or have you ever performed any work for NIOSH, Oak Ridge Associated Universities (ORAU), or a company that is teamed with ORAU on NIOSH Contract No. 200-2002-00593 (the dose reconstruction contract), including through subcontracts? Yes No

(If the answer is yes, please describe the nature of the work on a separate page, when the work was performed, and your employer for this work.)

- II. Have you ever served as an expert witness, including non-testifying witness, in any litigation defending worker compensation or other radiation-related claims on behalf of the U.S. Department of Energy (DOE), a DOE Contractor, an Atomic Weapons Employer (AWE)¹ or an AWE Contractor? Yes No

- III. Have you ever performed work for the DOE, a DOE Contractor (including through subcontracts), an AWE, or an AWE Contractor (including through subcontracts)? Yes No

(If the answer is yes, please describe the nature of the work on a separate page, when the work was performed, and your employer for this work.)

- IV. Have you ever worked at a DOE or AWE site under contract to DOE, a DOE Contractor (including through subcontracts), an AWE, or an AWE Contractor (including through subcontracts)? Yes No

(If the answer is yes, please list on a separate page the sites, when the work was performed, and your employer for this work.)

- V. Do you have any current or past history of contracts or financial relationships that would result in an actual or perceived conflict of interest with respect to potential work performed under CDC Contract No. 200-2004-03805? Yes No

(If the answer is yes, please describe the contracts or financial relationships on a separate page.)

Printed Name: _____

Signed Name: _____

Date: _____

¹ A list of Atomic Weapons Employers was published in the 12/27/02 *Federal Register*. You can search the *Federal Register* at http://www.access.gpo.gov/su_docs/aces/aces140.html. Select 2002 Federal Register, Vol. 67. Search on the date 12/27/2002 using the term "atomic weapons employers" in quotation marks.

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Additional Certification for Teaming Partners and Key Personnel

I understand that my participation on this contract means that I will not be permitted to bid on or perform any work for NIOSH, ORAU, or any of ORAU's primary teaming partners while performing work under this contract.

Individual Name or Company Name

Signature

Date

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EXHIBIT B: COI PLAN ACKNOWLEDGMENT FORM

COI PLAN ACKNOWLEDGMENT FORM UNDER CDC CONTRACT NO. 200-2004-03805

Plan Name: Conflict of Interest Plan

Document No.: SCA-PLAN-002

Plan Version: (to be filled in when the Plan is distributed)

Plan Date: (to be filled in when the Plan is distributed)

I have read the Conflict of Interest (COI) Plan referenced above and certify that I understand:

- (a) the generic definition of organizational conflict of interest;
- (b) the specific COI prohibitions and considerations in this contract;
- (c) the importance of reviewing the work performed under this contract against other work that I may be involved in, or financial interests that I may have, bearing in mind the government's generic definition of organizational conflict of interest and the specific COI prohibitions and considerations in this contract; and
- (d) what to do should actual or potential conflict of interest be identified.

Individual Name

Signature

Date

Company Name

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**EXHIBIT C: CONFLICT OF INTEREST CERTIFICATION FORM
REVIEW SHEET**

CDC CONTRACT NO. 200-2004-03805

Individual Reviewed: _____

Organization: _____

Plan Revision and
Date of Reviewed COI Certification Form:

Results of Review

Complies with all COI Plan provisions?

- Yes – unrestricted project tasks
- No – restricted project tasks (see comments below)
- No – precluded from working on project (see comments below)

Comments

Stephen L. Ostrow
COI Plan Administrator

Signature/Date