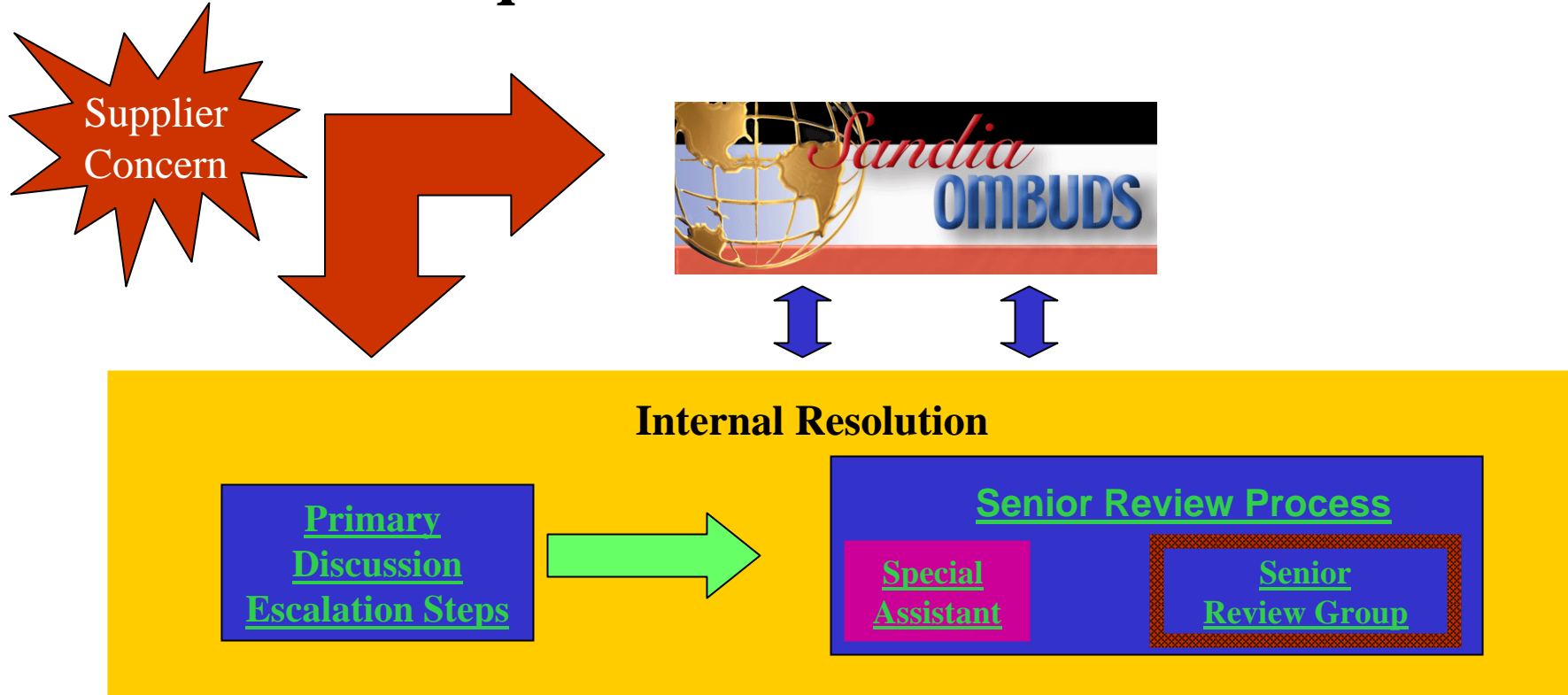


Acquisition Conflict Resolution



At the option of the Supplier, a concern may be brought to the Ombuds Office or may be taken to the **Internal Conflict Resolution Process**



Sandia is a multiprogram laboratory operated by Sandia Corporation, a Lockheed Martin Company, for the United States Department of Energy's National Nuclear Security Administration under Contract DE-AC04-94AL85000.

Ombuds Office Facilitation

The Sandia Corporate Ombuds Office may be contacted for *informal* assistance at any time before or during the acquisition conflict resolution process, but prior to any external resolution. The Ombuds will maintain confidentiality and take no action without permission.

The Ombuds does not report to the Procurement Organization and does not make decisions regarding outcomes. The Ombuds is not an advocate for either Sandia or the Supplier/Contractor but is committed to a fair process that maximizes the opportunity for resolution. The Ombuds Office does not conduct official investigations.

Note: Contacting the Ombuds Office does not automatically initiate the Sandia ACR processes.

Primary Discussion Escalation Steps

- 1. Discussions with the SCR, who will work with the Supplier/Contractor to resolve the concern/issue.**
- 2. Discussions including the SCR's manager. The Procurement Department Manager has responsibility and accountability to resolve the problem at the lowest level possible; most issues can be resolved at this stage.**
- 3. Discussions including the Procurement Senior Manager if the concern/issue remains unresolved.**
- 4. Discussions including the Supply Chain Management Director if the concern/issue continues to remain unresolved**
- 5. Supplier/Contractor and/or SCR may contact the Ombuds Office at any time for assistance.**
- 6. Small Business Supplier/Contractor and/or SCR may contact Small Business Utilization Department Manager at any time for assistance if applicable.**

Written Complaints Regarding Allegations of Improper Procurement Action

The Supplier/Contractor must notify in writing the Supply Chain Management Center (SCMC) Director, listing specific concerns within the time frames below, in order to be considered:

- 1. Alleged improprieties in a solicitation: Supplier/Contractor concerns based on alleged improprieties in a solicitation must be filed before the closing date for receipt of proposals.**
- 2. Concerns regarding the award of a contract: A Supplier/Contractor concern is considered timely if the Supplier/Contractor concern is submitted within ten (10) calendar days after contract award, or within five (5) calendar days after a debriefing date offered to the Supplier/Contractor filing the concern.**
- 3. Other concerns on a contract: the Supplier/Contractor concern is considered timely if filed within ten (10) days after the situation that caused the concern occurred.**

Discussions with the Supplier/Contractor will be conducted and completed whenever practical within one business week of receipt of a Supplier/Contractor concern.

A written Memorandum of Record will be sent to the Supplier/Contractor, the Procurement Manager, the Senior Manager, the Supply Chain Management Center (SCMC) Director and the SBUD. If a Supplier/Contractor decides to withdraw its concern, the SCR shall obtain written confirmation of withdrawal.

Situations where the Primary Discussion Process can work

- **Supplier/Contractor and SCR are not communicating effectively; either or both has concerns with being disrespected or unheard;**
- **Solicitation or contract process issues or complaints;**
- **Debriefing process issues, complaints or communications breakdowns;**
- **Misunderstandings between suppliers/contractors, SDRs, SCRs during contract period;**
- **Assumptions, miscommunications, misinterpretations of policy or contract terms, unmet expectations or conflicting business interests ;**
- **Concerns about impacts to reputations of either SNL or supplier/contractor companies;**
- **A request by Sandia for an adjustment in the contract price of a contract awarded to Supplier/Contractor as a result of defective cost and pricing data furnished to Sandia by the Supplier/Contractor;**
- **A claim by the Supplier/Contractor to recover costs incurred or work performed under the contract, or incurred by the Supplier/Contractor as a result of Sandia's nonperformance of the contract, for which Sandia is contractually responsible under the terms and conditions of the contract and applicable law;**
- **A claim by Sandia to recover amounts paid to the Supplier/Contractor under the contract to which the Supplier/Contractor was not entitled under the terms of the contract or applicable law;**

Senior Review Process

The Senior Review Process may be invoked only when the written complaints process has failed to achieve resolution, and the Director of the Supply Chain Management Center determines that use of the Senior Review Process might achieve successful resolution.

Senior Review Process – Special Assistant (SA)

- Is the Director, Ethics and Business Conduct or an individual(s) appointed by the Director, Ethics and Business Conduct**
- Works with the Supplier/Contractor to help the Supplier/Contractor obtain information they need to advocate for themselves**
- Does not develop or express opinions or recommendations**
- When requested by the SCMC Director, the SA will contact the Supplier/Contractor within five (5) calendar days of receiving the SCMC Director's request**
- Is responsible for communicating decisions made by the SRG to the Supplier/Contractor and the SCR**
- Will investigate the issues causing the concern, outline the facts involved and provide that information to the SRG. The Supplier/Contractor will be given the opportunity to review the information to be given to the SRG prior to submission to the SRG. Copies of any documents supplied to the SRG will be provided to the Supplier/Contractor after third party or Sandia proprietary information has been removed.**

Senior Review Process – Senior Review Group (SRG)

- **Ultimately makes a decision regarding the Supplier/ Contractor concern**
- **Consists of the Sandia Chief Financial Officer (CFO) and two Directors from Sandia organizations that have no direct interest in the procurement in question, and who do not report directly to the CFO**
- **Reviews the facts, determines the validity of the Supplier/Contractor's complaint, and determines whether subsequent corrective action should be taken**
- **Will provide the SA with a written document which articulates the decision and provides the rationale for that decision**
- **Prepares a written Memorandum of Record documenting the results**