

Organizational Conflicts of Interest

Panel Members

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Definition

- FAR Part 2
- Due to activities or relationships with others:
 - Person is unable or potentially unable to render impartial assistance or advice to the government
 - Person's objectivity in performing contract work is or might otherwise be impaired
 - Person has an unfair competitive advantage

Applicability

- All contracts have potential for OCI
- Some contracts are more vulnerable:
 - Management support services
 - Consultant or other professional services
 - Contractor assistance in technical evaluations
 - Systems engineering and technical direction where contractor is not responsible for development or production

Policy

- FAR 9.5 Requires Contracting Officers to:
 - Identify and evaluate potential OCIs
 - Avoid, neutralize or mitigate serious OCIs prior to contract award
- EPAAR provisions & clauses require:
 - Offerors to certify no COI exists or disclose any potential COIs (EPAAR 1552.209-70/72)
 - Disclose actual or potential COIs after award (EPAAR 1552.209-71)

Policy

- Preference is to avoid, mitigate or neutralize
- Exclusion from competition is a last resort
- Significant COIs are reviewed by the CO, OGC, Competition Advocate and OAM Director
- COs strive to avoid unnecessary delays, burdensome information requirements & excessive documentation
- If determination is to withhold award, contractor will be given opportunity to respond