

**ADVISORY BOARD ON RADIATION  
AND WORKER HEALTH**

***Conflict of Interest Plan***

**Contract No. 200-2009-28555**

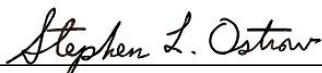
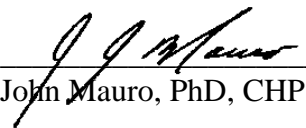
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<b>S. Cohen &amp; Associates:</b> <i>Technical Support for the Advisory Board on  Radiation and Worker Health Review of  NIOSH Dose Reconstruction Program</i>	Document No. SCA-PLAN-0002
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COI Plan Administrator:  <b>Date:</b> <u>08/25/2011</u> Stephen L. Ostrow, PhD	Supersedes:  Rev. 2
Project Manager:  <b>Date:</b> <u>08/25/2011</u> John Mauro, PhD, CHP	

### REVISION LOG

Rev. No.	Date	Description	Affected Sections
0	12/15/2004	Original issue	All
1	1/31/2007	<ul style="list-style-type: none"> <li>● Added material related to NIOSH-DTRA projects non-disclosure agreement (NDA)</li> <li>● Added material related to Website Disclosure Statement</li> <li>● General editing revisions</li> </ul>	<ul style="list-style-type: none"> <li>● Section 5.5, Ex. E</li> <li>● Section 5.3, Ex. D</li> <li>● All</li> </ul>
2	3/9/2009	<ul style="list-style-type: none"> <li>● Deleted material related to NIOSH-DTRA</li> <li>● Changed contract number to current one</li> <li>● Added Reference section</li> <li>● General editing revisions</li> </ul>	<ul style="list-style-type: none"> <li>● Section 5.5, Ex. E, and references to DTRA project</li> <li>● Throughout</li> <li>● Section 10.0</li> <li>● All</li> </ul>
3	8/23/2011	<ul style="list-style-type: none"> <li>● General revisions to reflect the provisions of NIOSH 2011a and NIOSH 2011b, which added additional requirements with respect to conflict of interest and appearance of bias</li> </ul>	<ul style="list-style-type: none"> <li>● All</li> </ul>

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### **Conflict of Interest/Appearance of Bias**

*No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity* (James Madison, *The Federalist*, No. 10, 1787).

## **1.0 PREFACE – COI PLAN REVISION 3**

The SC&A Conflict of Interest (COI) Plan was revised to reflect requirements and guidance related to conflict of interest and appearance of bias appearing in *NIOSH Policy on the Appearance of Bias for the EEOICPA Program & General Conflict of Interest Requirements*, Version 2.0, May 3, 2011 (NIOSH 2011a), and *Implementing Procedures for the NIOSH Policy on the Appearance of Bias for the EEOICPA Program & General Conflict of Interest Requirements* (NIOSH 2011b), which includes the former as an attachment. NIOSH 2011a focuses on the legal basis for COI and bias requirements; both NIOSH documents impose specific requirements on Federal Contractors (also called Program Contractors) and explicitly name SC&A as a contractor providing scientific and technical support to the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board).

The SC&A COI Plan summarizes and interprets the requirements and guidance of the two National Institute for Occupational Safety and Health (NIOSH) documents (which themselves interpret and apply federal law) as applied to the SC&A team—SC&A, its subcontractors and consultants, and personnel. The NIOSH documents are incorporated in the SC&A COI Plan by reference and take precedence over the SC&A COI Plan should any conflicts or ambiguities of meaning arise. If personnel are uncertain or have questions about any provisions, they should contact the SC&A COI Plan Administrator for clarification. In general, a “reasonableness” criterion will be applied when determining if an actual or potential COI or condition of bias exists in a particular situation; i.e., what would a reasonable person believe about the actions and motives of the individual or organization in question? Is there a potential for benefit or bias on the part of the individual or organization?

This document, along with NIOSH 2011a and NIOSH 2011b, is distributed to all project personnel and participating organizations of the SC&A team; all provisions apply immediately. However, new COI Certifications (Exhibit A) and Website Disclosure Statements (Exhibit E) are required only for personnel added to the project after this revision takes effect.

## **2.0 PURPOSE**

SC&A holds Contract No. 200-2009-28555 with the Centers for Disease Control and Prevention (CDC) in support of the NIOSH Advisory Board to perform an independent review of the NIOSH dose reconstruction program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (The Act; EEOICPA 2000). This contract requires SC&A to have a COI Plan. It is essential that the work under this contract be performed free of any COI, organizational and individual, or bias, actual and perceived. The SC&A COI Plan describes the methods employed by SC&A to detect, avoid, and mitigate any potential COI or bias. In addition to providing background information on what constitutes COI or bias, the plan

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also delineates the corporate and individual responsibilities, and outlines the administrative procedure for implementing the plan.

### **3.0 BACKGROUND**

Conflict of interest considerations encompass both the organizations performing under the contract and the individuals working for those organizations. The government defines in Federal Acquisition Regulation (FAR) 2.101 (see also 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 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
- (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; e.g., the contractor and employees rightly receive revenue from such performance.

In addition to complying with government OCI and 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 circumstance 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.

### **4.0 RESPONSIBILITIES**

This section delineates the responsibilities and relationships of the various parties participating in implementation of the COI Plan.

President of SC&A: The President of SC&A participates (as requested by the Project Manager) in discussions with the COI Plan Administrator and Project Manager to determine if a conflict of interest or perception of bias exists for a particular case. If a question of potential OCI is encountered, for example, related to whether SC&A bids on a particular job, he communicates that information to the Advisory Board Contracting Officer (Contracting Officer) and the

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Contracting Officer's Technical Representative (COTR), and works with them to resolve the issue. In addition, the President transmits SC&A's annual Corporate COI Certification (Exhibit B) to the 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 her and others of potential OCI, such as may arise when considering to bid on work for the Department of Energy (DOE), a DOE contractor, an Atomic Weapons Employer (AWE), or an AWE contractor. In addition, she is the primary point of contact with the Contracting Officer.

Project Manager: The SC&A Project Manager works with the COI Plan Administrator and the President to review for potential COI or bias new opportunities that the company is considering undertaking to ensure overall COI Plan compliance. He also informs the COI Plan Administrator of plans to add any additional personnel to the project, or to change assignments of existing performing personnel, so that the COI Plan Administrator can ensure that personnel receive the required COI training and evaluations, and that the tasks that they will perform do not entail any potential COI or bias. The Project Manager also coordinates with the other organizations in the team to ensure that they comply with COI Plan provisions for the duration of the contract. The Project Manager is the primary point of contact with the COTR.

COI Plan Administrator: The COI Plan Administrator administers and revises the COI Plan as required, and ensures that all project personnel are trained in and comply with the provisions of the Plan (including any material revisions). The COI Plan Administrator or his designee 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 understand the Plan; creating and posting on SC&A's NIOSH project website personnel Website Disclosure Statements; maintaining a list showing the DOE and AWE sites at which individuals working on the project might have potential conflicts of interest; and working with the Project Manager in identifying and resolving any organizational or individual potential conflicts of interest in accordance with this COI Plan.

Records Management Specialist: The Records Management Specialist assists the COI Plan Administrator to distribute, collect, file, and post COI-related material on SC&A's NIOSH project website.

Organizational Team Members: All provisions of the COI Plan flow down to SC&A's subcontractors. Organizations on the SC&A team review new opportunities that they are considering pursuing for potential COI, 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 organizational or individual COI compliance.

Individual Team Members: Individuals on the project review the COI Plan and acknowledge their understanding of its provisions to ensure their compliance with them via a COI Plan

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Acknowledgment Form. Individuals also execute a COI Certification and a draft Website Disclosure Statement prior to performance on the project, and notify their management during the project of any changes in status that may affect their COI compliance or any proposed new assignment (for NIOSH or other projects) that might involve a COI or perception of bias on the NIOSH project.

## **5.0 CONFLICT OF INTEREST PLAN**

### **5.1 Organizational Conflict of Interest**

A background discussion of OCI appears in Section 3.0. Under this contract, SC&A and its team members avoid OCI by not bidding on or performing any work for NIOSH, its contractor Oak Ridge Associated Universities (ORAU), or the ORAU teaming partners performing work under their contract (the “dose reconstruction contract”) during the entire period of performance of the SC&A contract.<sup>1</sup> Moreover, SC&A and its team members carefully evaluate with the Contracting Officer and the COTR any potential work for the DOE, a DOE contractor, an AWE, or an AWE contractor that might result in a possible or perceived conflict with the scope of work for this contract.

#### ***5.1.1 Searching for Potential Organizational Conflicts of Interest***

SC&A’s Contract Manager maintains an up-to-date database of all active and completed SC&A contracts and current proposals as part of SC&A’s Management Information System. 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 involved in the course of the work. The SC&A Contract Manager searched and evaluated this database prior to contract award to ensure compliance with COI requirements, and monitors it during the course of the project to ensure continued compliance.

#### ***5.1.2 Avoidance of Potential Organizational Conflicts of Interest***

All SC&A personnel responsible for bid and proposal activities within the company are provided a copy of this COI Plan. To avoid potential COI, these personnel are advised of the following:

- SC&A may not bid on projects for NIOSH, ORAU, or an ORAU primary teaming partner.
- When considering potential projects for DOE, a DOE contractor, an AWE, or an AWE contractor, bids may be permitted following discussion with the COI Plan Administrator and the Project Manager (and, at the discretion of the Project Manager, the President) to evaluate the potential for actual or perceived COI; the Project Manager will then consult with the Contracting Officer and the COTR.

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<sup>1</sup> Whenever ORAU and its subcontractors are mentioned throughout this Plan, the same considerations also apply to any successor NIOSH contractor.

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### **5.1.3 Annual COI Certification**

The President of SC&A certifies the following to the Contracting Officer annually by the end of the calendar year:

*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 Contracting Officer's Technical Representative will be notified.*

### **5.1.4 Team Member COI Plans**

All organizational team members (subcontractors to SC&A) 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 COI, so that SC&A can take whatever steps are necessary to avoid, mitigate, or neutralize the conflict, as provided in Section 5.3.2 of this plan. Organizational team members are required to execute and submit to SC&A Exhibit B, "Conflict of Interest Certification for Organizations," at the inception of their involvement in the project.

## **5.2 Individual Conflict of Interest**

All individuals working on the contract receive a copy of the COI Plan (as well as NIOSH 2011a and 2011b) and complete the COI Certification (Exhibit A), the COI Plan Acknowledgment Form (Exhibit C), and the Website Disclosure Statement (Exhibit E) at the start of their involvement in the project. They complete only a new COI Plan Acknowledgment Form upon receipt of subsequent Plan revisions. The COI Plan Administrator reviews COI Certifications and records the reviews on Conflict of Interest Certification Form Review Sheets (Exhibit D). These sheets may be revised later in the project if new, relevant information becomes available. The Website Disclosure Statements and a summary table of all project personnel and sites where they may have potential COIs are posted on SC&A's NIOSH project website; these documents are also kept current as any new COI or appearance of bias issues may arise.

NIOSH 2011a articulates COI and bias-related requirements for federal (e.g., NIOSH) employees, Special Government Employees (e.g., the Advisory Board), and federal contractor (e.g., SC&A) employees under three headings: Financial Conflicts of Interest, Appearance of Loss of Impartiality, and NIOSH's Appearance of Bias Policy. Since these requirements form the heart of SC&A's COI Plan, the policy portions applicable to federal contractors will be elaborated and interpreted below to aid in understanding the Plan. It should be noted that NIOSH 2011a comes with a disclaimer:

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*The contents of this document do not represent the full scope of the conflict of interest laws and ethics regulations; rather, the intent of this document is to provide a summary of the laws and regulations relevant to individuals involved in the NIOSH implementation of the Energy Employees Occupational Illness Compensation Program (NIOSH 2011a, p. 1).*

As noted earlier, a further caution is in order here; the SC&A COI Plan is intended to provide summary guidance on the basis and implementation of COI and bias policy contained in NIOSH 2011a and NIOSH 2001b and, by extension, the underlying federal regulations. As such, the SC&A COI Plan does not always provide detailed or complete information, instructions, or definitions, which may be found in either the NIOSH documents or the governing federal regulations.

### Financial Conflicts of Interest

*Under these [COI] plans, the contractors shall prohibit any employee (or the employee of a subcontractor) determined to have a financial conflict of interest from participating in any capacity in a particular matter concerning a DOE or AWE facility for which the individual is determined to have the financial conflict. Such determinations of financial conflicts shall be made by the contractor's project manager in consultation with the contract officer's technical representative, the agency's contract officer, and agency [CDC] and HHS [Department of Health and Human Services] officials under the contractor's conflict of interest plan (NIOSH 2011a, p. 3).*

The employee and his/her close household members must not benefit financially from decisions that might be made in the course of performing work under this contract related to a particular site or issue. This restriction does not, however, preclude a normal flow of benefits from the performance of the contract; i.e., the employee is paid for his or her work related to the subject facility or the performance of a particular task. The SC&A Project Manager has designated the COI Plan Administrator to lead in determining potential conflicts of interest and reporting his findings to the Project Manager, who, in affirmative or uncertain assessments, will consult with the COTR, Contract Officer, and appropriate NIOSH and HHS officials for a determination.

### Appearance of Loss of Impartiality

*Under these [COI] plans, a contractor's employee must obtain an authorization in order to participate in a particular matter involving specific parties concerning a DOE or AWE facility for which the individual is determined to have an appearance of conflict. Without such authorization, participation is prohibited. Authorization may be granted when it is determined, based on all relevant circumstances, that the interest of the Government in the contractor employee's participation outweighs the concern that the program's integrity may be questioned... (NIOSH 2011a, p. 5).*

If an employee would otherwise be prohibited from pursuing a particular matter under the contract due to the appearance of a COI, authorization may, nonetheless, be granted for that employee's action under certain circumstances through petition by the Project Manager to the

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COTR, who will then confer with the appropriate government authorities to consider such an exception.

### NIOSH’s Appearance of Bias Policy

*Under these [COI] plans, a contractor must obtain an approval in order to participate in a particular matter involving specific parties (such as a matter concerning a DOE or AWE facility) for which the individual is determined to have a potential appearance of bias. Without such approval, participation is prohibited. Approval may be granted when it is determined, based on all relevant circumstances, that the interest of the Government in the contractor’s participation outweighs the concern that the program’s integrity may be questioned... (NIOSH 2011a, p. 6).*

The commentary in the preceding section, Appearance of Loss of Impartiality, applies here as well.

NIOSH 2011a goes on to list eight examples of circumstances that are “deemed to constitute a potential appearance of bias;” these are listed below, along with SC&A’s interpretations of how they are to be applied. These examples inform the questions listed in the COI Certification Form (Appendix A) and help to elucidate the assessment process that is performed by the COI Plan Administrator; since these are only examples provided for guidance, it was not felt necessary to precisely define certain terminology (e.g., “covered employee”):

- (1) *Status as a covered employee under EEOICPA based on employment at the DOE or AWE facility.*<sup>2</sup>

“Covered employee under EEOICPA” is interpreted to mean that the employee has worked at a particular DOE or AWE facility and has the potential to be included under EEOICPA provisions; e.g., an employee might have worked at a facility during a period and in a capacity that is, or is being, considered for inclusion in the Special Exposure Cohort (SEC). Under such circumstances, the employee is prohibited from performing work under this contract related to that facility. An exception can be made for cases where an employee worked at the site as a student (e.g., an intern) or professor (e.g., on sabbatical leave) for a period of no greater than one year. An exception can also be made for instances of casual visits; e.g., by contractor or (former) DOE personnel normally located off-site, making occasional visits to a particular site.

- (2) *Employment for any duration in the design, development, or management of radiation safety or dosimetry records management operations of the DOE or AWE facility.*<sup>2</sup>

An employee not necessarily described by example 1, but who has performed work related to a particular DOE or AWE facility, as described in example 2, is precluded from performing work under this contract related to the particular DOE or AWE facility; e.g.,

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<sup>2</sup> Footnote 4 of NIOSH 2011a qualifies questions 1–3 as follows: “To the extent that...[questions 1–3] are considered with regard to a potential claimant, they should be evaluated pursuant to 5 C.F.R. § 2635.502 (i.e., ‘potential appearance of loss of impartiality’), and not the NIOSH Appearance of Bias Policy.

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this would apply to a contractor employee located off site, but performing the described type of work.

- (3) *Covered employment at the DOE or AWE facility for any duration with possible exposure to an acute radiation exposure incident potentially covered under the definition of a “discrete incident” under [42 CFR 83.13(c)(3)(i)].<sup>2,3</sup>*

Personnel who were covered employees and who may have experienced a discrete incident at a site are precluded from work under this contract related to that site. “Discrete incident” refers to a large, acute (as opposed to a chronic) exposure to radiation from a single, non-routine event that occurred at a specific DOE or AWE facility. 42 CFR 83.13(c)(3)(i) defines “discrete incident” and gives an example of one in the following: ... *“discrete incidents” likely to have involved exceptionally high level exposures, such as nuclear criticality incidents or other events involving similarly high levels of exposures resulting from the failure of radiation protection controls...*

- (4) *Where a spouse, parent, or non-dependent child has the status of either a claimant under the Act or a covered employee under EEOICPA based on employment at the DOE or AWE facility.*

The employee is precluded from performing work related to a specific DOE or AWE facility where a close family member (defined above) has a potential financial interest as a claimant under the Act or as a covered employee.

- (5) *Participation as one of the following: (1) an authorized representative for a claim under EEOICPA; (2) an SEC petitioner; or (3) an advocate for a claimant or an SEC petition at a specific DOE or AWE facility.*

An employee is prohibited from performing work related to a particular DOE or AWE site if any of the listed circumstances apply related to that particular site.

- (6) *Membership in a union which serves as a petitioner for an SEC petition.*

An employee is prohibited from performing work related to a particular DOE or AWE site if that employee is a member of a union which is a petitioner for an SEC petition at that DOE or AWE site.

- (7) *Participation as an expert witness in litigation involving safety or health conditions at the DOE or AWE facility, when such participation is not deemed a financial conflict of interest under 18 U.S.C. § 208 or an appearance of conflict under 5 C.F.R. § 2635.502.*

An employee is prohibited from performing work related to a particular DOE or AWE site where that employee participated or is participating as an expert witness as described. SC&A interprets this item to apply only to “radiation-related” safety or health conditions.

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<sup>3</sup> The original NIOSH 2011a quotation cited the CFR section referring to “discrete incident” incorrectly; it has been corrected here.

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(8) *Authorship of a report or the delivery of a public statement (including testimony) indicating that the individual has taken a position on a particular matter involving specific parties at a DOE or AWE facility, independent of his or her position with NIOSH, the Board, or a contractor providing technical support to NIOSH or the Board, when such particular matter is now at issue in the program.*

This provision applies only when the employee’s public statement relates in a relevant and material manner to “a particular matter involving specific parties at a DOE or AWE facility” that can give the appearance of bias; in such cases, the employee will not be permitted to perform work for that facility unless given approval after review by the COTR.

In general, if a perceived, potential, or actual COI is identified related to a particular DOE or AWE site reviewed by SC&A under this contract, the employee is precluded from performing **any** work related to that site, even in a consulting or reviewing capacity; this is a change from previous policy, which permitted the employee to participate in a non-lead capacity. However, as mentioned elsewhere, exceptions can be made under certain compelling circumstances upon application to the COTR and subsequent review of the merits of the request.

In addition, although not mentioned in the eight circumstances of NIOSH 2011a listed above, individuals who are performing any work for NIOSH, ORAU, or a company that is teamed with ORAU on the NIOSH dose reconstruction project, are also barred from working for SC&A on the project. Individuals who have had such a past working relationship are not necessarily barred, but their circumstances will be carefully reviewed before they are permitted to do any work for SC&A under the contract.

Although the COI Plan Administrator and other staff will review individual circumstances with respect to perceived, potential, or actual COI or bias whenever it is desired to assign an employee to a particular task, **the employee is also expected to participate in the COI evaluation process by “self-reporting” any relevant information, as defined in this COI Plan.** Such information may include details of employment at or work related to that site, whether close relatives have a connection to that site, and whether the employee has publicly expressed relevant and material opinions related to the issues under consideration for that site.

Participation at Public Meetings—i.e., a full Advisory Board, Board Subcommittee, or Board Work Group meeting—by program contractor personnel found to have financial conflicts of interest, appearance of loss of impartiality, or appearance of bias, is discussed in Sections VI.2.C.1, VI.2.C.2, and VI.2.C.3, respectively, of NIOSH 2011b, which use, with minor variations, essentially the same language. All three paragraphs state, [Such an employee] “...should not attend any (or any portion of the) public meeting where the conflict may be pertinent, or must leave the discussion and proceed to the back of the meeting room when the employee becomes aware that the meeting will be addressing the matter that poses the conflict.”

There is an exception, however:

*[...if the affected employee] has a waiver that will allow him/her to be present at the meeting [Section VI.2.C.1 – financial conflict of interest], has been granted an authorization that will allow him/her to be present at the meeting in question*

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[Section VI.2.C.2 – appearance of loss of impartiality], or *has been granted an approval that will allow him/her to be present at the meeting in question* [Section VI.2.C.3 – appearance of bias]. [In such cases,] *...the employee shall announce both his/her conflict and the [waiver, authorization, or approval as appropriate] prior to speaking for the first time at the meeting, or when asked by the DFO [Designated Federal Official] during a full Board or Board working group meeting.*

### **5.3 COI Reporting and Resolution**

#### ***5.3.1 Reporting of Potential Organizational or Individual Conflicts of Interest***

Despite all of the precautions described above to avoid both organizational and individual COI, there is always the possibility that a situation could arise that involves a potential COI or perception of bias. As required in the last section, all individuals assigned to this project are to report any known incidences of potential COI, either organizational or individual, to the SC&A Project Manager and COI Plan Administrator, who then confer with the President of SC&A, if thought useful by the Project Manager. The SC&A Project Manager, COI Plan Administrator, and SC&A President (if involved) then review the circumstances and obtain additional information that may inform their decision on whether a particular situation that occurred might represent a COI. Should they conclude that the reported circumstances involve an actual or perceived COI, the Project Manager reports in writing to the Contracting Officer and forwards a copy to the COTR. As described elsewhere, the COTR and those officials he consults may choose to issue a full or circumscribed exemption in certain circumstances where an employee's performance of a task is deemed of sufficient importance to outweigh any negative COI or bias factors.

#### ***5.3.2 Conflict of Interest Mitigation or Neutralization***

Should the Contracting Officer and the COTR conclude that circumstances involve a potential, perceived, or actual COI, or expression of bias, and that an exemption is not warranted, the Project Manager, in consultation with the President of SC&A (if necessary), can take one of the following actions as appropriate to mitigate or neutralize the COI:

- *If the COI pertains to NIOSH project work and involves an individual:* preclude the individual from either working on the contract or on a specific assignment, and reassigns the work to another individual
- *If the COI pertains to NIOSH project work and involves a team member:* reassign the work from the team member to SC&A or another team member (if available)
- *If the COI pertains to NIOSH project work and involves SC&A:* reassign the work that gives rise to the COI to another team member
- *If the COI pertains to work outside the NIOSH project and involves a team member or SC&A:* cancel or refuse the outside work that gives rise to the COI with the work under the Advisory Board contract
- Stop work on the task

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## 5.4 Documentation

All documents related to COI or bias are maintained in a secure file at the SC&A Headquarters in Vienna, Virginia, by the Records Management Specialist under the direction of the COI Plan Administrator, and are available during normal business hours for review by the Advisory Board, the Contracting Officer, the COTR, or their designee. Website Disclosure Statements and a list of project personnel, and any sites where they may be precluded from work, are also posted on SC&A's NIOSH project website. The COI Plan is reviewed annually for applicability and completeness, and changes are made as necessary and submitted to the Contracting Officer and the COTR. Also, an annual COI Certification at the contract level is submitted to the Contracting Officer, with a copy sent to the COTR and a copy maintained at the SC&A Headquarters by the COI Plan Administrator (see Section 5.1.3 for certification language).

## 5.5 Training

The COI Plan Administrator distributes a copy of this COI Plan, the COI Certification, the COI Plan Acknowledgment Form, and the Website Disclosure Form to each team member upon inception of his or her involvement in the contract to fill out and sign; the COI Certification and Website Disclosure Form are not required from individuals who have already filled them out under a previous distribution (including of an earlier revision) of the COI Plan. The individual certifies on the COI Plan Acknowledgment Form that he or she understands the provisions of the COI Plan and his or her specific responsibilities under the Plan. This process constitutes COI training.

## 6.0 REFERENCES

EEOICPA 2000. *Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended*, 42 U.S.C. §7384 et seq., October 30, 2000 (Pub. L. 106-398, XXXVI, §3661, "The Act").

Madison, James, *The Federalist*, No. 10, 1787.

NIOSH 2011a. *NIOSH Policy on the Appearance of Bias for the EEOICPA Program and General Conflict of Interest Requirements*, Version 2.0, May 3, 2011.

NIOSH 2011b. *Implementing Procedures for the NIOSH Policy on the Appearance of Bias for the EEOICPA Program & General Conflict of Interest Requirements*, 2011.

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## EXHIBIT A: CONFLICT OF INTEREST CERTIFICATION FOR INDIVIDUALS

### CONFLICT OF INTEREST CERTIFICATION UNDER CDC CONTRACT NO. 200-2009-28555

If the answer to any of the following questions is “Yes,” please elaborate on a separate sheet.

- I. Have you ever performed any work for NIOSH, ORAU, or a company that is teamed with ORAU related to the NIOSH dose reconstruction project, including through subcontracts?  Yes  No
  
- II. Have you ever served as an expert witness in litigation involving radiation safety or health conditions at a DOE or AWE facility?  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) related to the design, development, or management of radiation safety or dosimetry records management operations of a facility?  Yes  No
  
- IV. Have you ever worked **at** a DOE or AWE facility 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:

  - (a) Do you have the status as a covered employee under EEOICPA based on employment at those sites?  Yes  No
  - (b) Have you potentially received an acute radiation exposure at those sites?  Yes  No
  
- V. Do you or your family 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 SC&A’s contract?  Yes  No
  
- VI. Does your spouse, parent, or non-dependent child have the status of either a claimant under the Act or a covered employee under EEOICPA based on current or past employment at a DOE or AWE facility?  Yes  No
  
- VII. Are you serving or have you served as one of the following: (1) an authorized representative for a claim under EEOICPA; (2) an SEC petitioner; or (3) an advocate for a claimant or an SEC petition at a DOE or AWE facility?  No  Yes
  
- VIII. Are you or were you a member of a union? If so, please elaborate.  No  Yes

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IX. Are you the author of a report or the deliverer of a public statement (including testimony) taking a materially relevant position on a particular matter involving specific parties or activities at a DOE or AWE facility covered under the dose reconstruction program, independent of your position with NIOSH, the Advisory Board, or a contractor providing technical support to NIOSH or the Advisory Board, when such particular matter is now at issue in the program?  Yes  No

Printed Name: \_\_\_\_\_

Signed Name: \_\_\_\_\_

Date: \_\_\_\_\_

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**EXHIBIT B: CONFLICT OF INTEREST CERTIFICATION FOR ORGANIZATIONS**

CONFLICT OF INTEREST CERTIFICATION UNDER  
CDC CONTRACT NO. 200-2009-28555

I understand that participation by my company on this contract means that my company 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. I will also ensure that personnel of my company performing on this project comply with the provisions of this COI plan.

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Company Name

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Company Officer

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Signature

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Date

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## EXHIBIT C: COI PLAN ACKNOWLEDGMENT FORM

### COI PLAN ACKNOWLEDGMENT FORM UNDER CDC CONTRACT NO. 200-2009-28555

Plan Name: Conflict of Interest Plan

Document No.: SCA-PLAN-002

Plan Version: Revision 3

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 COI and the specific COI prohibitions and considerations in this contract; and
- (d) what to do should actual or potential conflict of interest be identified.

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Individual Name

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Signature

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Date

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Company Name

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

**CDC CONTRACT NO. 200-2009-28555**

Individual Reviewed: \_\_\_\_\_

Organization: \_\_\_\_\_

Plan Revision Rev. 3

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**

\_\_\_\_\_  
COI Plan Administrator

\_\_\_\_\_  
Signature/Date

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**EXHIBIT E: WEBSITE DISCLOSURE STATEMENT (BIOSKETCH)**

	<b>WEBSITE DISCLOSURE STATEMENT (BIOSKETCH)</b>	<b>SC&amp;A TEAM Independent Review of NIOSH Dose Reconstruction</b>
<b>SC&amp;A TEAM EMPLOYEE NAME:</b>		
<b>EMPLOYER:</b>		
<b>JOB TITLE:</b>		
<b>CURRENT JOB RESPONSIBILITY:</b>		
<b>WORK EXPERIENCE:</b>		
<b>EDUCATION AND PROFESSIONAL CERTIFICATIONS:</b>		
<b>EXPERT WITNESS IN LITIGATION INVOLVING RADIATION SAFETY OR HEALTH CONDITIONS AT A DOE OR AWE FACILITY:</b>		
<b>DOE/AWE SITES WHERE A CONFLICT OF INTEREST MAY EXIST:</b>		