

Attachment J-1
Bidder Conflict of Interest Disclosure Form

Bidder Name _____

Request for Quote (RFQ) Title _____

The purpose of this form is to give Bidders an opportunity to disclose any individual or organizational conflicts of interest, or potential for conflicts of interest that exist. The Bidder is not required to explain the reason for the conflict, however it is helpful. A disclosure does not automatically result in the bidder being removed from consideration. Please read the descriptions below and mark the appropriate boxes that pertain to you and your organization for this RFQ.

CONFLICTS OF INTEREST

A conflict of interest occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill their professional duties impartially. A conflict of interest exists even if no unethical or improper act results from it.

Conflicts of interest may be actual or perceived. An actual conflict of interest occurs when a decision or action would be compromised without taking immediate appropriate action to eliminate the conflict. A perceived conflict of interest is any situation in which a reasonable person would conclude that conflicting duties or loyalties exist.

I. Individual Conflicts of Interest

An individual conflict of interest occurs when any of the following conditions is present:

(a) A Bidder employee or representative uses his/her status to obtain special advantage, benefit, or access to the OOI's time, services, facilities, equipment, supplies, prestige, or influence.

(b) A Bidder employee or representative receives or accepts money or anything else of value from a current OOI contractor or Bidder or has equity or a financial interest in or partial or whole ownership of a competing Bidder organization.

(c) A Bidder employee or representative is an employee or board member of the OOI or is an immediate family member of an employee or board member of the OOI.

Instances in which the Bidder worked in a volunteer capacity for the OOI should be evaluated on a case by case basis. Volunteer status has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

I certify that I have read and understand the description of individual conflict of interest above and *(check one of the following two boxes)*:

I. A. Based on the criteria and description above, I do not have any conflicts of interest.

I. B. Based on the criteria and description above, I have an actual or potential conflict of interest, or the appearance of a conflict of interest, which I am listing immediately below.

Name/Relationship and/or Description of the Conflict of Interest (attach additional pages if needed):

II. Organizational Conflicts Of Interest

An organizational conflict of interest occurs when: a contractor is unable or potentially unable to provide impartial contract performance due to competing duties or loyalties; a contractor's objectivity in carrying out the contract is or might be otherwise impaired due to competing duties or loyalties; or a contractor has an unfair competitive advantage through being furnished

unauthorized proprietary information or source selection information that is not available to all competitors/Bidders.

All Bidders must provide a list of all entities with which it has relationships that creates, or appears to create, a conflict of interest with the work that is contemplated in this Request for Quotes. The list should indicate the name of the entity, the relationship and a description of the conflict.

I certify that I have read and understand the description of organizational conflict of interest above and *(check one of the following two boxes)*:

II. A. Based on the criteria and description above, I do not have any conflicts of interest.

II. B. Based on the criteria and description above, I have an actual or potential conflict of interest, or the appearance of a conflict of interest, which I am listing immediately below.

Name/Relationship and/or Description of the Conflict of Interest (attach additional pages if needed):

III. Certification

The Bidder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to individual or organizational conflicts of interest. The Bidder agrees that if after award a conflict of interest is discovered, an immediate and full disclosure in writing shall be made to the OOI which shall include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If a conflict of interest is determined to exist, the OOI may, at its discretion, cancel the award. In the event the Bidder was aware of an organizational conflict of interest prior to the award and did not disclose the conflict to the OOI, the OOI may terminate the award for default. The provisions of this clause shall be included in all subcontracts entered into by the contractor in performance of the duties under the contract.

Bidder's Authorized Representative's Printed Name:

Signature: _____ **Date:** _____

Name:

Employer:

Title/Position:

SECTION A. FINANCIAL DISCLOSURE

AT THIS TIME, I, representing myself HAVE NOTHING TO DISCLOSE

(If nothing to disclose, proceed to Section B

Organizational or Professional Connections)

I am disclosing the following significant financial interests related to my employment with the Consortium for Ocean Leadership, Inc. (COL). The term "significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

- salary, royalties or other remuneration from COL;
- income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
- income from service on advisory committees or review panels for public or nonprofit entities;
- an equity interest that, when aggregated for you and your family (spouse, child, and other household members meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or
- salary, royalties or other payments that, when aggregated for you and your family (spouse, child, and other household members) are not expected to exceed \$10,000 during the twelve-month period.

Name of Entity: _____

Address of Entity: _____

Principal Type of Business: _____

Are you a director, officer, partner, trustee, or employee of the entity? Yes No

Do you have an investment of \$10,000 or more in the entity? Yes No

Do you hold an equity position of 5% in the entity? Yes No

Have you received income, or gifts valued at \$50 or Yes No

from the entity? (Exclude income received from the entity for a current or previously funded project.)

Have you received a loan from the entity for which the outstanding balance exceeded \$250 in the past 12 months? Yes No

Do you have an interest in any intellectual property rights belonging to the entity? Yes No

Do you have any other financial conflict of interests with your COL activities Yes No

If Yes, please explain: _____

Additional sheets may be added if needed.

SECTION B. ORGANIZATIONAL OR PROFESSIONAL CONNECTIONS

AT THIS TIME, I, representing myself HAVE NOTHING TO DISCLOSE

(If nothing to disclose, proceed to Section C. CERTIFICATION)

Do you have an outside job that may create a conflict of interest with your COL activities? No__ Yes__

If Yes, please explain: _____

2. Do you have any other conflict of interest with your COL activities? No__ Yes__

If Yes, please explain: _____

Additional sheets may be added if needed.

SECTION C. CERTIFICATION

- I agree to update this disclosure either on an annual basis, or as new reportable significant information is obtained.
- I agree to cooperate in the development of an OCI/PCI Mitigation Plan to address any actual or potential conflict of interest identified via this Disclosure.
- I agree to comply with any conditions or restrictions imposed by COL to manage, reduce, or eliminate actual or potential conflicts of interest.

Signed: _____

Date: _____

Signature

Title

SECTION D. ENDORSEMENTS

I have reviewed this OCI/PCI disclosure and believe that no significant conflicts exist or if one does exist that it is possible to develop and execute, prior to employment or award, an OCI/PCI Mitigation Plan to manage, reduce, or eliminate any actual or potential conflict of interest.

Signed: _____

Date: _____

Signature

Title

Guidelines for Completing the OCI/PCI Disclosure Form

Completion of this form is required upon hire for all Ocean Leadership employees and consultants working as independent contractors (collectively "Agents"). Agents must immediately notify the Ocean Leadership Human Resources Department of any matters that may result in real or apparent conflicts of interest by submitting a OCI/PCI through their supervisor or through the Department of Human Resources.

In your consideration of disclosure, your professional responsibility must be your guide. If you are confident that none of your connections, investments or business involvement are in any way related to your involvement with Ocean Leadership, then use the default **NOTHING TO DISCLOSE** boxes, sign the form, and submit. If you do have information that requires disclosure, be as complete as possible in your disclosure. The information you provide will remain confidential.

Q: What happens to information I disclose?

A: The disclosure is reviewed by the HR Office, to determine whether there is a conflict of interest.

Q: If a conflict of interest is determined, do I have a chance to challenge the conclusion?

A: Yes, a dialogue with the HR Officer will occur immediately.

Q: If the conclusion is sustained, then what happens?

A: Ocean Leadership will work with you to develop an OCI/PCI Mitigation plan. Such a OCI/PCI Mitigation plan may take any reasonable form that provides assurance that significant connections or financial interests are unlikely to interfere with decisions regarding your participation in Ocean Leadership activities. The plan will go into effect at the time of plan signature, prior to the expenditure of any funds.

A *potential conflict of interest* occurs when there is a divergence between an individual's private interests and his/her professional obligations such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. An *actual conflict of interest* depends on the situation and not on the character or actions of the individual. For purposes of the disclosure, **a conflict of interest exists when significant organizational affiliations, personal connections or financial interest could directly and significantly affect the design, conduct, or reporting of project activities.**