

ATTACHMENT 2

U.S. DEPARTMENT OF ENERGY

**CONFLICT-OF-INTEREST and NON-DISCLOSURE
ACKNOWLEDGEMENT**

For

Federal Merit Reviewers Involved in the Selection of

INSERT TITLE

INSERT FINANCIAL ASSISTANCE OPPORTUNITY ANNOUNCEMENT NUMBER

The Department of Energy has a policy that individuals with a conflict of interest cannot participate in the merit review of a financial assistance Application. This certification must be completed by individuals prior to their participation in the merit review process.

1. I will not participate in the review of any financial assistance Application involving a particular matter that would have a direct and predictable effect on any person, company or organization with which I have a relationship, financial or otherwise. For purposes of this statement, the interests of my spouse, my minor child, my general partner, any organization in which I serve as officer, director, trustee, general partner, or employee, and any person or organization with whom I am negotiating employment, are attributed to me.
2. Further, I will not participate in the review of any financial assistance Application involving a particular person or a particular matter that I believe would cause a reasonable person with knowledge of the relevant facts to question my impartiality.
3. Prior to my participation as a merit reviewer, I agree that I will disclose any actual or perceived conflicts of interest that I may have with such duties. In addition, I agree to disclose any actual or perceived conflicts of interest as soon as I am aware of the conflict.
4. I certify that I will not disclose, except pursuant to the order of a court of competent jurisdiction, any information concerning the assessment and analysis or the content of Applications/proposals either during the proceedings of the merit review or at any subsequent time, to anyone who is not authorized access to the information by the Department of Energy or by law or regulation, and then only to the extent that such information is required in connection with such person's official responsibilities. Furthermore, I will report to the DOE Official responsible for the process any communication concerning the assessment and analysis or the individuals involved in the assessment and selection and activities directed to me from any source outside this process.
5. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

Signature

Date

Printed Name

ATTACHMENT 2A

U.S. DEPARTMENT OF ENERGY

**CONFLICT OF INTEREST AND NONDISCLOSURE
ACKNOWLEDGMENT**

**FOR INDIVIDUAL REVIEWERS NOT EMPLOYED BY A FEDERAL AGENCY OR
DOE MANAGEMENT AND OPERATING (M&O) CONTRACTOR**

INSERT TITLE

INSERT FINANCIAL ASSISTANCE OPPORTUNITY ANNOUNCEMENT NUMBER

This acknowledgment must be completed by individuals prior to receiving applications or other related information pertaining to, and participation in, the merit review process. The acknowledgement provides for each reviewer to understand conflict of interest and nondisclosure requirements associated with their participation in the merit review. Individuals with a conflict of interest may not participate in the merit review process or use or disclose information obtained during the merit review process, unless DOE has decided that there is acceptable mitigation of the identified conflict.

In anticipation of my participating as a reviewer for the Department of Energy,

I, _____ (Print Name), acknowledge the following:

- (a) I understand that during the course of performing merit and/or peer review services, I may obtain access to confidential or proprietary business, technical, or financial information belonging to the Government or other entities, including information relating to the submissions of applications and other information in connection with any Funding Opportunity Announcement (FOA);
- (b) To the best of my knowledge and belief, no conflict of interest exists that may either:
 - (1) Result in my participation on a particular matter involving a FOA that will have a direct and predictable effect upon my financial interest;
 - (2) Diminish my capacity to impartially assist in the review of applications in response to FOAs; or
 - (3) Result in a biased opinion or unfair advantage.
- (c) In making the above statement, I have considered all the following factors that might place me in a position of conflict, real or apparent, regarding FOA information:
 - (1) All my stocks, bonds, other outstanding financial interests or commitments;
 - (2) All my employment arrangements (past, present, and under consideration); and
 - (3) All financial interests and employment arrangements of my spouse, minor children, and other members of my immediate household as well as my general partners, or any organization in which I serve as an officer, director, or trustee, or with whom I am negotiating for employment.
 - (4) Any examples of relationships that might create an appearance of a conflict regarding this particular FOA that have been provided to me. **[NOTE TO PROGRAM – CONSIDER ATTACHING A LIST OF POTENTIAL RELATIONSHIPS THAT CONSTITUTE A CONFLICT]**

- (d) I have a continuing obligation to disclose any circumstance that may create an actual or apparent conflict of interest. If I learn of any such conflict, I will report it immediately to **[insert name of DOE contact]**, and I will perform no more duties related to the FOAs until I receive instructions on the matter.
- (e) I agree to treat this information as proprietary and confidential and comply with agency procedures for the protection of such information (including electronic information) and use my best efforts to safeguard such information. I will not disclose the contents of, nor release, any such information to anyone either during or after the merit review evaluation other than:
 - (1) To individuals within the review process that are directly concerned with the performance of this effort and who have executed this Conflict of Interest and Nondisclosure Acknowledgment;
 - (2) To other individuals designated by the DOE Grants Officer; or
 - (3) Pursuant to an order from a court of competent jurisdiction.
- (f) I shall not accept any invitations or gratuities (i.e., meals, gifts, favors, etc.) from any applicant. If I am offered any invitations, gratuities, or job offers by or on behalf of any applicant, I will immediately report to the Grants Officer or Federal Merit Review Manager.
- (g) Whenever DOE furnishes any FOA information to me, I, the reviewer, agree to use such information only for the purpose of conducting the review and to treat the information obtained in confidence. Further, I will not use such information for my own private gain or the private gain of others. This requirement for confidential treatment applies to information obtained from any source, including the submitter, without restriction. Any notice of restriction placed on such information by either DOE or the submitter of the information shall be conspicuously affixed to any reproduction or abstract thereof and its provisions strictly complied with. Upon completion of my duties, I will return all copies to the DOE office that initially furnished such information or I will destroy the files (paper and electronic) and certify to the Grants Officer that I have done so.

Signature/Date: _____

Name/Title: _____

Phone number: _____

Email address: _____

DOCUMENT MUST BE SIGNED AND RETURNED TO DOE POINT OF CONTACT (PROGRAM OR CONTRACTING PERSON WHO IS MANAGING THE REVIEWER PANEL FOR THE FOA) BEFORE REVIEWER RECEIVES APPLICATION FOR REVIEW.

EXAMPLES OF POSSIBLE REAL OR APPARENT CONFLICTS

1. AFFILIATION WITH AN APPLICANT INSTITUTION

(In this document, "Institution" will be used to mean the inclusive set of all types of institutions, organization, companies, or other entities.)

You may have a conflict, subject to possible mitigation if agreed to by DOE after notification and consideration, if you have/hold/are:

- Current employment at the institution in any capacity
- Other current employment with the institution as a consultant or advisor
- Previous employment with the institution within the last 12 months
- Being considered for employment at the institution
- Formal or informal reemployment arrangement with the institution
- Ownership of securities of companies involved in the application
- Current membership on a visiting committee or similar body at the institution
- Any office, governing board membership, or relevant committee chairpersonship in the institution (Ordinary membership in a professional society or association is not considered an office.)
- Current enrollment as a student at that institution
- Received and retained an honorarium or award from the institution within the last 12 months
- Some other business or financial relationship

2. RELATIONSHIPS WITH AN INVESTIGATOR, PROJECT DIRECTOR, OR OTHER PERSON WHO HAS A PERSONAL INTEREST/ROLE IN THE APPLICATION

- Known family relationship as spouse, child, sibling, or parent
- Business or professional partnership
- Past or present association as thesis advisor or thesis student
- Recent collaboration on a project or on a book, article, report, paper, journal, compendium, or conference proceedings

3. OTHER AFFILIATIONS OR RELATIONSHIPS.

- Interests of the following persons are to be treated as if they were yours: Any affiliation or relationship of your spouse, of your minor child, or a relative living in your immediate household or of anyone who is legally your partner that you are aware of.
- Other relationship (including but not limited to a close personal friendship, a person with whom the reviewer has a longstanding difference, a recent student or teacher, or a former employer) that you think might tend to affect your judgment or be seen as doing so by a reasonable person familiar with the relationship.

ATTACHMENT 2B

U.S. DEPARTMENT OF ENERGY

**CONFLICT OF INTEREST AND NONDISCLOSURE
ACKNOWLEDGMENT**

FOR EMPLOYEES OF A DOE MANAGEMENT AND OPERATING (M&O) CONTRACTOR

In anticipation of my participating in providing advisory and support services for the Department of Energy under Contract Number [INSERT LABORATORY CONTRACT NUMBER],

I, _____ (Print Name), acknowledge the following:

- (a) I understand that during the course of performing merit and/or peer review services under this contract, I may obtain access to confidential or proprietary business, technical, or financial information belonging to the Government or other entities, including but not limited to Department plans, policies, reports, studies, financial plans, internal data protected by the Privacy Act of 1974 (5 U.S.C. 552a), data which has not been released or otherwise made available to the public, information relating to the submissions of applications and other information in connection with any Funding Opportunity Announcement (FOA);
- (b) I have read, and am familiar with, the applicable restrictions regarding organizational and personal conflicts of interest set forth at FAR Subpart 9.5, DEAR 952.209-72, DEAR 970.0371-6 and (name of Laboratory Contractor) policies and procedures;
- (c) To the best of my knowledge and belief, no conflict of interest exists that may either:
 - (1) Result in my participation on a particular matter involving a FOA that will have a direct and predictable effect upon my financial interest;
 - (2) Diminish my capacity to impartially assist in the review of applications in response to FOAs; or
 - (3) Result in a biased opinion or unfair advantage.
- (d) In making the above statement, I have considered all the following factors that might place me in a position of conflict, real or apparent, regarding FOA information:
 - (1) All my stocks, bonds, other outstanding financial interests or commitments;
 - (2) All my employment arrangements (past, present, and under consideration); and
 - (3) All financial interests and employment arrangements of my spouse, minor children, and other members of my immediate household as well as my general partners, or any organization in which I serve as an officer, director, or trustee, or with whom I am negotiating for employment.
- (e) I have a continuing obligation to disclose any circumstance that may create an actual or apparent conflict of interest. If I learn of any such conflict, I will report it immediately to my supervisor, the Laboratory legal counsel and as otherwise required by Laboratory policy. The Laboratory Contractor will appropriately advise the Grants Officer and/or his or her designated representative, and I will perform no more duties related to the FOAs until I receive instructions on the matter.
- (f) I agree to treat this information as proprietary and confidential and comply with agency procedures for the protection of such information (including electronic information) and use my best efforts to safeguard such information. I will not disclose the contents of, nor release, any such information to anyone either during or after the period of performance of Contract Number [INSERT CONTRACT NUMBER] other than:

- (1) To individuals within my organization that are directly concerned with the performance of this contract and who have executed this Conflict of Interest and Nondisclosure Acknowledgment;
 - (2) To other individuals designated by the DOE Contracting Officer; or
 - (3) Pursuant to an order from a court of competent jurisdiction.
- (g) I shall not accept any invitations or gratuities (i.e., meals, gifts, favors, etc.) from any applicant. If I am offered any invitations, gratuities, or job offers by or on behalf of any applicant, I will immediately report to the Contracting Officer or Federal Merit Review Manager.
- (h) Whenever DOE furnishes any FOA information to me, I, the reviewer, agree to use such information only for the purposes stated in a task or subtask assignment and to treat the information obtained in confidence. Further, I will not use such information for my own private gain or the private gain of others. This requirement for confidential treatment applies to information obtained from any source, including the submitter, without restriction. Any notice of restriction placed on such information by either DOE or the submitter of the information shall be conspicuously affixed to any reproduction or abstract thereof and its provisions strictly complied with. Upon completion of my duties, I will return all copies to the DOE office that initially furnished such information.

Signature/Date: _____

Name/Title: _____

Organization: _____

Phone number: _____

Email address: _____

DOCUMENT MUST BE SIGNED AND RETURNED TO DOE POINT OF CONTACT (PROGRAM OR CONTRACTING PERSON WHO IS MANAGING THE REVIEWER PANEL FOR THE FOA) BEFORE REVIEWER RECEIVES APPLICATION FOR REVIEW.