ARMY EDUCATIONAL OUTREACH PROGRAM

AEOP Cooperative Agreement | Organizational Conflict of Interest Provision

An organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is/or might be otherwise impaired, or a person has an unfair competitive advantage. It does not include the normal flow of benefits from incumbency.

For purposes of this cooperative agreement, the rules and intent of 32 CFR 32.42 and 32.43 will apply. The Consortium Members performing work under this cooperative agreement may receive, have access to or participate in the development of proprietary or source selection information (e.g., cost or pricing information, budget information or analyses, specifications or work statements, etc.) or perform evaluation services which may create a current or subsequent Organizational Conflict of Interests (OCI).

The affected Consortium Member shall notify the Agreements Officer immediately whenever it becomes aware that such access or participation may result in any actual or potential OCI and shall promptly submit a plan to the Agreements Officer to avoid or mitigate any such OCI. The Consortium Member's mitigation plan will be determined to be acceptable solely at the discretion of the Agreements Officer. In the event the Agreements Officer unilaterally determines that any such OCI cannot be satisfactorily avoided or mitigated, the Agreements Officer may affect other remedies as he or she deems necessary, including prohibiting the Consortium Member from participation in subsequent program requirements, which may be affected by the OCI. The Agreements Officer's determination regarding the adequacy of the mitigation plan or the possibility of mitigation are general decisions made solely at the discretion of the Government and are not subject to the Claims, Disputes and Appeals clause of the cooperative agreement. The Government may terminate the cooperative agreement if the Consortium Member fails to implement and follow the procedures contained in any approved mitigation plan.

Below are examples of potential OCI and actions to mitigate OCI:

Example 1: A CMC/IPA member of the AEOP CA conducts an RFP as part of its role / responsibility to implement the respective AEOP program. Another CMC/IPA within the AEOP CA plans to submit a proposal in response to the RFP. ***Mitigating OCI***: CMC/IPA member planning to submit a proposal should immediately inform Agreements Officer and/or CAM of its intent and take all necessary measures to mitigate OCI such as excluding its respective organization from taking part in any selection panel for the RFP.

Example 2: A CMC/IPA member of the AEOP CA conducts an RFP as part of its role / responsibility to implement the respective AEOP program and identify a host site. A separate CMC/IPA was made aware by an affiliated entity within its organization (college/school within a university or institution) that it plans to submit a proposal to the RFP. ***Mitigating OCI:*** The CMC member should immediately notify Agreements Officer and/or CAM of potential OCI and submit a mitigation plan which outlines specific measures to be implemented to eliminate perception of OCI.

Example 3: A CMC/IPA member of the AEOP CA conducts an RFP as part of its role / responsibility to implement the respective AEOP program and to identify host sites. The CMC/IPA member discovers that a proposal was submitted by a member of their Board of Directors who has an affiliation with another organization or higher education institution. ***Mitigating OCI***: The CMC/IPA member should immediately inform Agreements Officer and/or CAM of potential OCI and exclude said proposal from consideration.