

# **Conflicts of Interest Questionnaire**

## **[Independent External Peer Review]**

### **[Puget Sound Nearshore Ecosystem Restoration Study]**

The purpose of this document is to help the U.S. Army Corps of Engineers identify potential organizational conflicts of interest on a task order basis as early in the acquisition process as possible. Complete the questionnaire with background information and fully disclose relevant potential conflicts of interest. Substantial details are not necessary; USACE will examine additional information if appropriate. Affirmative answers will not disqualify your firm from this or future procurements.

NAME OF FIRM: **Battelle Memorial Institute**

REPRESENTATIVE'S NAME: **Gina M. Crabtree**

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I. INDEPENDENCE FROM WORK PRODUCT. Has your firm been involved in any aspect of the preparation of the subject study report and associated analyses (field studies, report writing, supporting research etc.) No Yes X (if yes, briefly describe):

Battelle routinely conducts internal organizational conflict of interest (OCOI) analysis for all proposals. During that OCOI analysis for the proposed project, it was determined that Battelle staff (specifically including Ronald Thom, John Vavrinec, Dana Woodruff, Tarang Khangaonkar and Dana Aston) who are assigned to work at the Pacific Northwest National Laboratory (PNNL), have conducted activities within Puget Sound. For example, PNNL staff authored the following report: *Development of a Land Use Planning Tool for Estuarine Habitat Protection, Restoration and Cumulative Effects Assessment in North Puget Sound, WA. 2009. PNWD-4103, Battelle—Pacific Northwest Division, Richland, WA.*

PNNL is a Federally Funded Research and Development Center (FFRDC) pursuant to FAR 31.017. Battelle is the Management and Operations contractor (M & O) for PNNL through an M & O contract executed by and between Battelle and the Department of Energy (DOE). The M & O contract with the DOE contains an OCI clause (Department of Energy Acquisition Regulations [DEAR] 970.209-72), which precludes PNNL from disclosing outside of PNNL any Department of Energy information that is not publicly available. PNNL is also governed by other OCI provisions that are contained in the DEAR; and, when these are combined with the Organizational Conflict of Interest (OCI) policies of Battelle and the OCI provisions of a typical government contract, for all intents and purposes, the operation of PNNL and the remainder of Battelle operations do act as two “organizations”. While there is no current, formal mitigation plan in place, should USACE so desire, Battelle could develop and submit a formal OCI mitigation plan that could provide additional indicia of how Battelle’s global operations can act completely independently of PNNL.

It should be noted that staff working on the Independent Peer Review Services for the Institute of Water Resources contract, which are part of the Battelle Columbus (BCO) organization, have restricted access to the PNNL systems. Staff that are proposed to work on the subject task are part of Battelle Columbus Operations and have not been involved in any work on the Puget Sound Nearshore Ecosystem Restoration Draft Integrated Feasibility Study/Environmental Impact Statement (PSNER DFS/EIS). In fact this group was unaware of PNNL’s involvement until Battelle conducted an OCOI search as a result of this RFP.

As noted above Battelle could, at USACE's request, submit a formal mitigation plan; however, in order to alleviate any concerns USACE may have regarding COI the following is part of Battelle proposed path forward. There will be no contact between the PNNL staff who have conducted work related to the PSNER DFS/EIS and staff proposed for the subject project. As noted above Battelle could, at USACE's request, submit a formal mitigation plan; however, there is significant organizational and procedural separation between PNNL and Battelle (BCO), with the organizations maintaining separate reporting chains and are mutually exclusive of technical and business objectives. To alleviate any concerns USACE may have regarding COI, the staff working on the proposed project will not contact or otherwise interact with the PNNL staff who have conducted work related to the PSNER DFS/EIS. Battelle's opinion is that by following this mitigation process, there is no COI with Battelle conducting this IEPR.

II. INTEREST IN STUDY AREA OR OUTCOME. Does your firm have any interests or holdings in the study area, or any stake in the outcome or recommendations of the study, or any affiliation with the local sponsor? No  Yes  (if yes, briefly describe):

III. REVIEWERS. Do you anticipate that all expert reviewers on this task order will be selected from outside your firm? No  Yes  (if no, briefly describe the difficulty in identifying outside reviewers):

IV. AFFILIATION WITH PARTIES THAT MAY BE INVOLVED WITH PROJECT IMPLEMENTATION. Do you anticipate that your firm will have any association with parties that may be involved with or benefit from future activities associated with this study, such as project construction? No  Yes  (if yes, briefly describe):

V. ADDITIONAL INFORMATION. Report relevant aspects of your firm's background or present circumstances not addressed above that might reasonably be construed by others as affecting your firm's judgment. Please include any information that may reasonably: impair your firm's objectivity; skew the competition in favor of your firm; or allow your firm unequal access to nonpublic information. **No additional information to report.**

  
YOUR SIGNATURE

9/19/14  
DATE