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Part II: AS&T Organizational Conflict of Interest (OCI) Training

Welcome to AS&T's OCI Mitigation Plan Training. This is designed to help you understand and apply our company's policies for identifying, avoiding, and mitigating Organizational Conflicts of Interest. Let's begin.

1. Understanding OCI

What is an Organizational Conflict of Interest?

An OCI occurs when, because of other activities or relationships, an organization is unable or potentially unable to:

- a) render impartial assistance or advice to the government, or
- b) the organization's objectivity in performing the work might be impaired, or
- c) the organization has an unfair competitive advantage.

Why is this important?

As a federal contractor, AS&T must maintain the highest standards of integrity. OCIs can compromise the fairness of the federal procurement process and erode trust in our company. Your understanding and adherence to OCI policies are crucial for our continued success and ethical standing.

2. AS&T's OCI Mitigation Plan

Our OCI Mitigation Plan is a comprehensive strategy to prevent, identify, and address potential conflicts. Here are its key components:

- a) Identification: Recognizing potential conflicts before they become issues.
- b) Disclosure: Promptly reporting any identified or potential conflicts.
- c) Mitigation: Taking appropriate actions to neutralize or eliminate conflicts.
- d) Monitoring: Ongoing vigilance to ensure continued compliance.

3. Identifying Potential Conflicts

There are three main types of OCIs:

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- a) Impaired Objectivity: When a company's work under one government contract could result in evaluating itself or a related entity.
- b) Unequal Access to Information: When a company has access to nonpublic information as part of its performance of a government contract that may provide an unfair competitive advantage on future contracts.
- c) Biased Ground Rules: When a company, as part of its performance of a government contract, has set the ground rules for future contracts by, for example, writing the specifications that competitors for such future contracts will have to meet.

Exercise: Can you think of a potential OCI scenario in your current role? How would you categorize it?

4. Disclosure Procedures

If you identify a potential OCI:

1. Report immediately to your supervisor and the designated OCI officer.
2. Document the potential conflict in writing, including all relevant details.
3. Do not discuss the matter with colleagues not directly involved in the reporting process.

Remember: Early disclosure is key. It's better to report a potential conflict that turns out to be non-issue than to overlook a real conflict.

5. Mitigation Strategies

Depending on the nature of the conflict, AS&T may implement various mitigation strategies:

a) Personal Mitigation:

- Removing conflicted individuals from assignments
- Replacing them with equally or more qualified personnel
- Establishing a firewall to isolate the individuals knowledge from the new company
- Documenting all mitigation actions

b) Organizational Mitigation:

- Implementing information barriers
- Adjusting subcontracting arrangements
- Declining conflicting work when necessary

In all cases, AS&T will notify the Contracting Officer of potential conflicts and our mitigation efforts.

6. Ongoing Compliance

Your role in maintaining compliance is ongoing:

- a) Participate in annual OCI awareness training (like this one).

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- b) Update your personal OCI certificate annually.
- c) Regularly review the OCI Plan, available at all AS&T locations.
- d) Stay vigilant for potential conflicts in your daily work.

7. Understanding Vendor Non-Public Information (NPI)

As an AS&T employee working on FAA contracts, it's crucial to understand there's a potential for you to possess Vendor NPI. This is not limited to electronic or hard copies. It includes your general knowledge. As an employee from another company or through your work on a government contract you may have been exposed to information that is not available to the public. In procurements (writing proposals), use of NPI knowledge is prohibited. When considering the types of NPI information, think of what a company would not want its competitors to know (I.E. technical proprietary information, employee compensation, privately developed processes and methodologies). These can be categorized into:

- a) Proprietary and Business-Sensitive Information
- b) Technical Data and Intellectual Property
- c) Contract-Specific Information
- d) Controlled Unclassified Information (CUI)
- e) Cybersecurity-Related Data
- f) Employment and Personnel Information

AS&T has an in-depth questionnaire to assist in assessing and determining if an employee's knowledge from other work meets this criteria. If you have any concern, work with your supervisor and the OCI Program Director will help you make this determination.

8. Understanding Government Non-Public Information and Confidential Business Information (CBI) per FAA Order 1600.75 PROTECTING SENSITIVE UNCLASSIFIED INFORMATION (SUI)

As an AS&T employee working on FAA contracts, it's crucial to understand how the FAA defines and handles Confidential Business Information (CBI). This knowledge will help you properly manage sensitive information and avoid potential conflicts.

The majority of this listed information is classified as For Official Use Only (FOUO) as CBI.

- a) Acquisition Planning and Source Selection
- b) Statement of Work (SOW) and Requirements Development
- c) Proposal and Bid Information
- d) Contract Negotiations and Award Data
- e) Post-Award Procurement Data
- f) Information Security and Handling

FAA Definition of Confidential Business Information:

FAA Order 1600.75: The bulk of procurement, grant, or confidential business information is not security information and does not constitute Sensitive Security Information (SSI). You should

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protect confidential business information, not related to transportation security, as FOUO information, unless the originator specifies other protective measures.

Key Points to Remember:

- a) Distinction from SSI: Most CBI is not considered Sensitive Security Information. This means it requires different handling procedures.
- b) FOUO Classification: By default, CBI should be treated as FOUO information.
- c) Originator Instructions: Always follow any specific protective measures indicated by the information's originator.
- d) Procurement and Grant Information: Much of the information related to procurement and grants falls under this CBI category. At a top level, it is all information a Program office and Contracts office accumulates and creates that leads to a contract and/or agreement.

Handling CBI:

- a) Marking: Ensure all documents containing CBI are clearly marked as "For Official Use Only" unless otherwise specified.
- b) Storage: Store CBI in a secure location when not in use. This could be a locked drawer or a password-protected digital file.
- c) Transmission: When sending CBI electronically, use encrypted email or secure file transfer methods.
- d) Discussion: Do not discuss CBI in public areas or with individuals who do not have a need-to-know.
- e) Disposal: Properly dispose of CBI by shredding physical documents or securely deleting electronic files.

CBI Implications for OCI:

Understanding CBI is crucial for avoiding OCIs, particularly those related to unequal access to information. Here's how:

- a) Competitive Advantage: Access to CBI could potentially provide an unfair competitive advantage in future contract bids. Be aware of what information you have access to and how it might impact future work.
- b) Information Barriers: If you have access to CBI from one contract, ensure this information is not used or shared in a way that could create an OCI for other contracts or proposals.
- c) Disclosure: If you believe you have inadvertently accessed or shared CBI in a way that could create an OCI, disclose this immediately following our established OCI reporting procedures.

Exercise:

Think about the information you handle in your daily work. Can you identify any that might qualify as CBI? How do you currently protect this information, and are there any improvements you could make to your practices?

Remember, proper handling of CBI is not just about avoiding OCIs—it's about maintaining AS&T's reputation for integrity and trustworthiness in handling sensitive government information.

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AS&T has an in-depth questionnaire to assist in assessing and determining if an employee's knowledge from other work meets this criteria. If you have any concern, work with your supervisor and the OCI Program Director to help you make this determination.

9. Special Considerations for FAA Programs

If you're working on an FAA Program:

- a) Be extra cautious with proprietary information.
- b) Avoid any actions that could create an unfair advantage in future solicitations.
- c) When in doubt, consult the OCI scenarios provided in your program materials.

10. Future Contracting

As AS&T pursues new opportunities:

- a) Think proactively about potential conflicts.
- b) Raise concerns early in the bidding process.
- c) Support AS&T's commitment to prompt and transparent communication with the FAA.

11. Your Responsibility

Maintaining AS&T's ethical standards is a shared responsibility. Your role is crucial:

- a) Stay informed about OCI regulations and AS&T policies.
- b) Be proactive in identifying and reporting potential conflicts.
- c) Participate fully in OCI training and certification processes.
- d) Seek guidance when you're unsure about a situation.

12. Resources and Support

Remember, you're not alone in managing OCI:

- a) Your supervisor is your first point of contact for OCI concerns.
- b) The designated OCI officer is available for complex queries.
- c) The Government and Vendor Non-Public Information Questionnaires
- d) The most current version of the OCI Plan is always accessible through our internal portal.
- e) Anonymous reporting options are available if you have sensitive concerns.

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Conclusion

By completing this training, you're playing a vital role in maintaining AS&T's reputation for integrity and ethical conduct. Our commitment to managing OCIs effectively ensures we remain a trusted partner to our government clients.

Next Steps:

1. Take time to read through Appendix A. It summarizes key points about OCI and your responsibilities.
2. Complete the on-line workflow form information.
3. For questions, contact the OCI Program Director is Bernard DeAnnuntis, Bernard.DeAnnuntis@adv-sci-tech.com, 609-719-9001 ext.113.

Thank you for your dedication to ethical contracting practices!

Acronym List

- CBI -- Confidential Business Information
- FOUO -- For Official Use Only
- NPI -- Non-Public Information
- OCI -- Organizational Conflict of Interest
- SSI -- Sensitive Security Information
- SUI -- Sensitive Unclassified Information