

TOS II OCI Multi-Step Advisory Process
Attachment 3

**SECTION L LANGUAGE - ORGANIZATIONAL CONFLICTS OF INTEREST (OCI)
AND CROSS-TEAMING RESTRICTION (*DRAFT*)**

The following language may be contained under a subfactor in Section L:

Provide a written OCI mitigation plan which outlines the Offeror's approach for detecting, disclosing, avoiding, and mitigating OCI issues and risks in accordance with Clause H115, Organizational Conflict of Interest (FEB 2023) and FAR Part 9.5. The plan shall address all actual, potential, or perceived OCIs for the Offeror, including those resulting from teaming arrangements. The plan should reflect the results of the Advisory Multi-Step Process, updated with any relevant changes to the Offeror's and each team member's or team member affiliate's particular circumstances. Any changes or updates to the OCI mitigation plan occurring following submission shall be provided as such changes occur, but no later than contract award. The OCI mitigation plan will not be included in page limitations.

Section L-1.4, Cross-Teaming Restriction

This section addresses cross-teaming restrictions for the proposal submission process:

In order to maximize full and open competition among offerors and ensure that the Government receives proposals that are free from any Offeror incentives or disincentives that may favor one proposal over another, and to also help safeguard the integrity of the procurement process, Offerors who submit proposals as prime contractors for this contract, or as a member of a joint venture prime contractor, may not also serve as a subcontractor to another Offeror submitting a proposal as a prime contractor for this contract.

Section L-1.5, Organizational Conflict of Interest (OCI)

This section also addresses OCI submission requirements and states as follows:

This acquisition may create actual or potential conflicts of interest for Offerors, teaming partners, and / or prospective subcontractors. In assessing and addressing conflicts of interest, the Government will follow the guidance in the Federal Acquisition Regulation (FAR) Subpart 9.5. Offerors are responsible for ensuring that both it and its proposed subcontractors are not restricted from participating in TOS II due to an OCI.

An Offeror's failure to provide adequate information to avoid or mitigate an OCI may cause its proposal to be rejected and relieves the Government of any further responsibility to resolve OCI issues. See FAR Subpart 9.504(e). Notices to Offerors of OCI and their responses thereto are not negotiations or discussions as those terms are used in FAR 15.306(d).

SECTION M LANGUAGE - ORGANIZATIONAL CONFLICTS OF INTEREST (OCI)
(DRAFT)

The following language may be contained under a subfactor in Section M:

This Measure of Merit is met when the Offeror demonstrates a thorough understanding of the OCI issues and risks outlined in FAR Part 9.5 and Special Contract Requirement Clause H-115, *Organizational Conflicts of Interest*.