



Procedure to Identify and Manage Conflicts of Interest Under U.S. Department of Energy's Interim Conflict of Interest Policy

A. Identifications of Investigators and Disclosures:

During the Grant Application for the Federal Award:

The "Designated Official" must determine who is an "Investigator" for the fund based on the FOA document:

1. US DOE's Interim Conflict of Interest (COI) Policy defines "Investigator" to include anyone "who is *responsible* for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE." Does the Federal Opportunity Announcement (FOA) or Assistance Agreement explicitly expand the criteria to anyone who "*participates* in the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE"?
 - a. Identify all Investigators during federal grant application based on the above qualification:
 - i. Minimum: Grant Officer, Subject Matter Expert, Agency Director, and Assistant Director of Central Services, Division Administrator for the program.
2. The Designated Official(s) within ODOE will be the Grant Officers, or other designee as appropriate for a specific grant. The Designated Officials will be responsible for maintaining files and supporting documentation.
 - a. If an Investigator does not have a **Disclosure for Conflict of Interest under Federal Awards** on file which is less than 1 year old, share the US DOE's Interim COI Policy with the Investigator(s).
 - b. Require Investigators to complete training and certify they have reviewed the COI Policy. Training must be completed every four years, at a minimum.
 - c. Every Investigator must submit a disclosure form no later than the time of application of the DOE award, and then annually, or within thirty days of discovering or acquiring a new significant financial interest, or new hire who will be supporting the federal award.
3. If after the publication of this procedure and if a subaward is identified in the application through a non-competitive process:
 - a. The subrecipient entity shall complete the **Subrecipient Certification for Conflict of Interest under Federal Awards** prior to submission of the application.
 - b. Any Investigators employed by the subrecipient will be required to make required disclosures of a significant financial interest to ODOE prior to submission of the grant application to a federal agency.

During competitive procurement/grant making activities under the federal award:

1. Review Investigators involved in procurement or grant making activities based on the above qualifications and FOA requirements in the event project-specific staffing has changed.

- a. **Minimum:** Anyone involved in the Request for Proposals/Opportunity Announcement process, or any other name for such an activity or related negotiations.
 - b. If an Investigator does not have a **Disclosure for Conflict of Interest under Federal Awards** form on file less than 1 year old, share the US DOE's Interim COI Policy with all Investigators.
 - c. Require Investigators to complete training and certify they have reviewed the COI Policy. Training must be completed every four years, at a minimum.
 - d. Every Investigator must submit a disclosure of significant financial interest prior to participating in a project, and then annually, or within thirty days of discovering or acquiring a new significant financial interest, or new hire who will be supporting the federal award.
2. Ensure Conflict of Interest provisions are included in the contract or subaward agreement as appropriate.
 3. After Project Selection, but prior to execution of a contract or award agreement, request Subrecipient complete the **Subrecipient Certification for Conflict of Interest under Federal Awards** Form.

When key personnel change on a federal award at a state agency:

1. Require Investigators to complete training and the **Disclosure for Conflict of Interest under Federal Awards** form. Training must be completed every four years, at a minimum.
2. Every Investigator must submit a **Disclosure for Conflict of Interest under Federal Awards** form prior to participating in a project, and then annually, or within thirty days of discovering or acquiring a new significant financial interest.

Disclosures at other times as appropriate:

1. Disclosures may be required at other times as appropriate within the discretion of US DOE and/or ODOE, including but not limited to, revisions of this procedure, findings of non-compliance, etc.

B. Guidance for Designated Officials

Reporting Financial Conflicts of Interest (FCOI):

1. US DOE's Interim Conflict of Interest Policy requires non-federal agencies to report any "unmanaged or unmanageable" financial and organization conflicts of interest to DOE. Does the FOA expand this requirement to include "managed" conflicts of interest?
 - a. Designated Official will review disclosure(s) of significant financial interest from all Investigators prior to the expenditure of funds from a DOE award, or within 30 days of new disclosures of new Investigator(s).
 - i. The Designated Official will determine whether the disclosure of a significant conflict of interest is related to a project funded under the DOE award, and if so, if it constitutes a FCOI:
 1. To determine whether the disclosure of a significant conflict of interest is related to the project, the Designated Official may consult with the Investigator to learn more about the project and their interest.

2. To determine whether the disclosure of a significant conflict of interest constitutes a FCOI under the US DOE policy, the Designated Official shall consider whether the significant financial interest could directly and significantly affect the purpose, design, conduct, or reporting of the project funded under a DOE award.
 - a. Travel considerations:
 - i. If the significant conflict of interest is related to a past travel event, the Designated Official need only consider travel events dating back 1 year.
 - ii. If the significant conflict of interest is related to a travel event and the Designated Official determines the actual or perceived value of the travel is \$50 or less in a calendar year, in alignment with the Oregon Ethics Guide, this amount will not be considered as a FCOI by default.
 - iii. In determining if sponsored or reimbursed travel is a FCOI, the Designated Official shall also consider whether this travel sponsorship was available to individuals other than public officials, including but not limited to a class of individuals, such as volunteer board members, program participants, or individuals selected for a professional development award, and whether the process through which travel sponsorships were offered was unrelated to a legislative or administrative interest in any current or future federal award.
 - b. If the Designated Official determines through this process that the disclosure of a significant financial interest does not meet the definition of a FCOI, the Designated Official should document this determination in the agency files.
 - c. If the Designated Official determines through this process that the disclosure of a significant financial interest does meet the definition of a FCOI, but the FCOI can be managed, the Designated Official must impose conditions and/or restrictions to ensure that the FCOI is managed, as well as monitor the management plan. If the FOA requires it, the Designated Official must submit the determination of the managed conflict to DOE prior to the expenditure of funds.
 - d. If the conflict of interest cannot be managed, or is unmanageable, an FCOI must be submitted to DOE prior to the expenditure of funds. The Designated Official must then submit an FCOI annually, explaining the status of the conflict of interest and following all US DOE instructions.

Reporting Organizational Conflicts of Interest (OCOI):

1. In the event of a disclosure of a potential or actual organizational conflict of interest, the ODOE Designated Official shall review the materials submitted to ODOE from the applicable subrecipient. If it appears that such a potential conflict may be mitigated by existing written subrecipient policies, procedures, or other means, the Designated Official may submit information related to the disclosure to US DOE, or another appropriate federal agency, for review and concurrence.
2. ODOE designated officials may not provide approval for the subrecipient to proceed under any such transaction or procurement until written approval is provided to ODOE by a federal officer assigned to the federal award.