

# ORGANIZATIONAL CONFLICT OF INTEREST GUIDANCE

## Background

Certain federal contracts include clauses that are designed to address potential organizational conflicts of interests in entities that receive those contracts. The federal regulations regarding organizational conflict of interest are described in Federal Acquisition Regulation (FAR) Subpart 9.5 “Organizational and Consultant Conflicts of Interest” [https://www.acquisition.gov/far/current/html/Subpart%209\\_5.html](https://www.acquisition.gov/far/current/html/Subpart%209_5.html). In addition, some other types of sponsors may have their own requirements asking that OCI be disclosed. ***An OCI is distinct from an individual financial conflict of interest, which is addressed in JHU Policies on Conflict of Interest in Research:*** [http://web.jhu.edu/conflict\\_of\\_interest/JHU\\_Policies](http://web.jhu.edu/conflict_of_interest/JHU_Policies).

An organizational conflict of interest (“OCI”) can exist when a company assists the federal government in developing the specifications for a product or service and then competes for a contract to provide that product or service.

A similar situation can arise at universities. University faculty and staff may be invited to provide advice and technical assistance to federal agencies. Such public service is part of the mission of the University and is encouraged. If a faculty member is on a panel that provides input for a new Request for Applications (“RFA”), under the OCI requirements, the University must ensure that this faculty member’s involvement does not give the University an unfair advantage in subsequent submissions for the resulting RFA.

1. **Guidance:** The University is committed to identifying, avoiding, and/or managing actual or perceived OCIs relating to its research activities consistent with federal laws and regulations. In conducting federal research and contracting activities, University community members have a responsibility to comply with this Guidance.
2. **Definition of Organizational Conflict of Interest.** For purposes of this Guidance, an OCI is defined as any relationship, interest, activity, commitment, or obligation that may adversely affect or be in conflict with the services the University performs as a federal awardee or contractor.

An OCI may exist in three basic categories:

**Unequal Access to Information:** This type of OCI arises when the University gains an unfair competitive advantage because of a University Member’s access to information not generally available to other parties competing for the same federal funding. For example, a faculty member may have had access to budgets, statements of work, or evaluation criteria in the proposal submission and award process.

**Impaired Objectivity:** This type of OCI arises when a University Member’s work on a government contract places the University in a situation of evaluating itself or a related entity. For example, the University’s work under one government contract could require it to evaluate its own activities or evaluation of proposals from entities competing with the University. In this case, the concern is that the University is unable to render impartial advice under a federal contract.

**Biased Ground Rules:** This type of OCI arises when a University Member provides consultation, advice, or technical assistance relating to a federal funding opportunity and the University then

applies for that same funding opportunity. For example, a Faculty Member may serve on a federal advisory board or act as a consultant to develop standards, which are used as basis for a Scope of Work or specifications that are used to support a federal funding opportunity.

3. OCI Disclosure by University Members: The University is required to certify to the federal government that any potential OCI is appropriately managed. To collect the information needed to make these mandated certifications, the University requires all University Members to disclose any relationships, interests, commitments, or obligations relating to the Federal Government (“Activities”) that may give rise to an OCI, as defined in FAR Subpart 9.5 and this Policy.

Some specific examples of reported Activities:

- Serving as an advisor or consultant to the federal government;
- Serving as a member of a federal advisory board;
- Working, consulting, or serving on any federal standard setting committee or board;
- Working on contracts providing scientific, engineering, and technical direction to the federal government;
- Having any access to proprietary, confidential, or sensitive data in the custody and possession of the federal government or other entities working with the government.

New faculty and staff that participated in Activities prior to University employment that may give rise to an OCI at the University must disclose these activities on any federal grant or contract submission through COEUS. Faculty and staff must disclose any Activities that may give rise to an OCI on any federal grant or contract submission through COEUS.

4. When a possible OCI is identified, the relevant Office of Research Administration will disclose the OCI to the Federal Contract Officer for review and final determination.

## COEUS QUESTIONS

Do you:

- have access to nonpublic information, or
- have you performed or do you expect to perform work for the Federal Government;

that may provide you or another member of The Johns Hopkins University with an unfair competitive advantage in applying for federal funding or that could appear to bias its judgment?

This may occur, if you:

- provide advice, scientific, engineering, or technical direction to the Federal Government,
- prepare the specifications or statement of work for a Federal funding opportunity, or
- evaluate the work performed by another member of the University under a federal contract.

When answering this question, please consider any work you have performed for the Federal Government:

- as an employee of The Johns Hopkins University,
- in your personal capacity as an independent consultant, or
- through previous employment.

Please note that you should NOT answer “Yes” to this question regarding any work you performed on a panel to evaluate applications for research funding submitted to the Federal Government **nor any work funded by federal grants**, because **these are** not **activities** that the University considers to give rise to an OCI.

If “Yes”, please provide a general explanation regarding the Activities as defined in the OCI Policy.