

§ 203.18 Conflict of interest and disclosure requirements.

The Department of Defense shall require each prospective assistance provider on any contract to provide, with its bid or proposal:

(a) Information on its financial and business relationship with the installation, RAB/TRC members, or any/all potentially responsible parties (PRPs) at the site, and with their parent companies, subsidiaries, affiliates, subcontractors, contractors, and current clients or attorneys and agents. This disclosure requirement encompasses past and anticipated financial and business relationships, including services related to any proposed or pending litigation, with such parties.

(b) Certification that, to the best of its knowledge and belief, it has disclosed such information or no such information exists.

(c) A statement that it shall disclose immediately any such information discovered after submission of its bid or after award. The contracting officer shall evaluate such information and shall exclude any prospective contractor if the contracting officer determines the prospective contractor has a potential conflict of interest that is both significant and cannot be avoided or otherwise resolved. If, after award, the contracting officer determines that a conflict of interest exists that is both significant and cannot be avoided or resolved, the contract will be terminated for cause.

(d) Contractors and subcontractors may not be technical assistance providers to community members of RABs/TRCs at an installation where

they are performing cleanup activities for the Federal or State government or any other entity.

§ 203.19 Appeals process.

DoD Components will establish an appeals process to settle potential disputes between the Department of Defense and the public regarding certain decisions arising out of the TAPP process. The Department of Defense recognizes that the RAB/TRC may disagree with the findings of the installation commander that a proposed TAPP project is ineligible, either because of the availability of alternate sources of assistance or because the project does not meet the eligibility criteria established in this part. It is in the best interests of the Department of Defense and the community members of RABs and TRCs to anticipate and avoid disputes and to work cooperatively to resolve potential differences of opinion. However, in certain circumstances, the RAB/TRC community members may feel that their needs were not adequately served by the decisions of the Department of Defense. In this instance, the hierarchical structure and chain-of-command within each DoD Component will serve as the avenue for appeal. Appeals will be considered within the chain-of-command, and, in general, will be resolved at the lowest level possible. The highest level of appeal will be at the DoD Component Deputy Assistant Secretary level with authority over the DERP and BRAC environmental programs. Inherently governmental functions, such as the procurement process governed by the FAR, are not subject to appeal.

APPENDIX A TO PART 203 - Technical Assistance for Public Participation Request Form

TECHNICAL ASSISTANCE FOR PUBLIC PARTICIPATION (TAPP) APPLICATION		<i>Form Approved OMB No. 0704-0392 Expires Dec 31, 1999</i>	
<small>The public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0392), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</small>			
PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO INSTALLATION LISTED IN SECTION I, BLOCK 1.			
SECTION I - TAPP REQUEST SOURCE IDENTIFICATION DATA			
1. INSTALLATION			
2. SOURCE OF TAPP REQUEST <i>(Name of Restoration Advisory Board (RAB) or Technical Review Committee (TRC))</i>			
3. CERTIFICATION OF MAJORITY REQUEST			4. DATE OF REQUEST <i>(YYYYMMDD)</i>
5. RAB POINT OF CONTACT			
a. NAME <i>(Last, First, Middle Initial)</i>		b. ADDRESS <i>(Street, Apt. or Suite Number, City, State, ZIP Code)</i>	
c. TELEPHONE NUMBER <i>(Include Area Code)</i>			
SECTION II - TAPP PROJECT DESCRIPTION			
6. PROJECT TITLE			
7. PROJECT TYPE <i>(Data Interpretation, Training, etc.)</i>			
8. PROJECT PURPOSE AND DESCRIPTION <i>(State anticipated goals of project and relate to increased understanding/participation in restoration process at the installation. Include descriptions, locations, and timetables of products or services requested.)</i>			
9. STATEMENT OF ELIGIBILITY <i>(Refer to eligibility criteria in S203.10 and S203.11 of TAPP rule. Note other sources that were considered for this support and state reasons why these sources are inadequate.)</i>			
10. ADDITIONAL QUALIFICATIONS OR CRITERIA TO BE CONSIDERED <i>(Additional qualifications (beyond those specified in S203.12) a provider should demonstrate to perform the project to the satisfaction of the RAB/TRC. Attach separate statement, if necessary.)</i>			
SECTION III - INSTALLATION COMMANDER/DESIGNATED DECISION AUTHORITY APPROVAL			
<input type="checkbox"/>	APPROVED	11. SIGNATURE	12. TITLE
<input type="checkbox"/>	NOT APPROVED		13. DATE <i>(YYYYMMDD)</i>

DD FORM 2749, DEC 1997 (EG)

PREVIOUS EDITION IS OBSOLETE.

Designed using Perform Pro, WHS/DIOR, Dec 97

APPENDIX A TO PART 203 - Technical Assistance for Public Participation Request Form

SECTION IV - PROPOSED PROVIDER DATA			
14. PROPOSED PROVIDER			
a. NAME		b. ADDRESS <i>(Street, Apt. or Suite Number, City, State, ZIP Code)</i>	
c. TELEPHONE NUMBER <i>(Include Area Code)</i>			
15. PROVIDER QUALIFICATIONS <i>(Attach separate statement, if necessary. A statement of qualifications from the proposed technical assistance provider will be acceptable.)</i>			
16. ALTERNATE PROPOSED PROVIDER <i>(If known. Attach additional pages as required.)</i>			
a. NAME		b. ADDRESS <i>(Street, Apt. or Suite Number, City, State, ZIP Code)</i>	
c. TELEPHONE NUMBER <i>(Include Area Code)</i>			
17. ALTERNATE PROVIDER QUALIFICATIONS <i>(Attach separate statement, if necessary. A statement of qualifications from the proposed technical assistance provider will be acceptable.)</i>			
SECT. C N V - CONTRACTING OFFICE APPROVAL			
<input type="checkbox"/>	APPROVED	18. SIGNATURE	19. TITLE
<input type="checkbox"/>	NOT APPROVED		20. DATE <i>(YYYYMMDD)</i>

DD FORM 2749 (BACK), DEC 1997

PART 204—USER CHARGES

Sec.
204.1 Reissuance and purpose.

204.2 Applicability.
204.3 Definitions.
204.4 Policy.
204.5 Responsibilities.