



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
WASHINGTON, D.C. 20362-5101

IN REPLY REFER TO
NAVSEAINST 4295.2B
OPR SE/028311
4 Dec 1991

NAVSEA INSTRUCTION 4295.2B

From: Commander, Naval Sea Systems Command

Subj: CONFLICT OF INTEREST, NON-DISCLOSURE OF INFORMATION
CERTIFICATION

Ref: (a) Federal Acquisition Regulation (FAR) Part 3 and DoD
FAR Supplement (DFARS) Part 203, Improper Business
Practices and Personal Conflicts of Interest
(b) SECNAVINST 5370.2J of 15 Mar 89
(c) NAVSEAINST 5370.1E of 14 Apr 87
(d) NAVSEA Source Selection Guide of 31 Mar 89

Encl: (1) Conflict of Interest, Non-disclosure of Information
Certification

1. Purpose

a. To provide additional guidance for compliance with Department of Defense (DoD) and Department of the Navy (DoN) regulations and policies as prescribed in references (a) through (c) in connection with conflict of interest and non-disclosure of information relative to the source selection process.

b. To establish procedures to ensure that all financial disclosure forms filed in connection with the source selection process are maintained in a single place under one set of controls.

2. Cancellation. NAVSEAINST 4295.2A of 28 June 1985.

3. Background. The effectiveness and integrity of the source selection process requires that all data and information (both preaward and postaward) be handled with the utmost discretion to avoid compromising the process and to insure that there are no actual conflicts or appearances of a conflict of interest. This instruction emphasizes the need for NAVSEA personnel to comply with the requirements of references (a) through (c) for ALL source selections involving NAVSEA Headquarters acquisitions over \$100,000 and which may be approved one level above the Contracting Officer for use below that threshold. Reference (d) is intended to provide practical guidance to the Program Manager, his or her staff, and others involved in the source selection process for all levels of acquisition.

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4. Procedures

a. All personnel involved in the source selection process must be given the opportunity to review the complete mailing list to whom the solicitation will be sent and must certify, by use of the enclosure (1) Certification, that no conflicts of interest exist and that obligations and responsibilities concerning non-disclosure of information are understood. In addition, all personnel, regardless of rank or grade, shall file a "Confidential Statement of Affiliations and Financial Interests (DD Form 1555)" whenever it is determined by the PCO that the employee's anticipated duties and responsibilities during the source selection process will require him or her to participate in decisions significantly affecting persons or business entities in the private sector. When required, the DD Form 1555 will be forwarded attached to the Certification.

b. The necessity for exercising extreme caution to ensure that DD Forms 1555 are kept confidential cannot be too strongly emphasized. In accordance with reference (c), DD Forms 1555, when required, shall be forwarded in sealed envelopes, marked "PRIVATE--STATEMENT OF AFFILIATIONS AND FINANCIAL INTERESTS--TO BE OPENED ONLY BY _____ (NAME) _____." Envelopes so inscribed shall be delivered unopened.

c. The following personnel and each individual under their cognizance involved in the source selection process (both public and private sectors) shall review the mailing list of potential bidders/offerors, execute a Conflict of Interest, Non-disclosure of Information Certification, and provide a complete DD Form 1555 prior to commencement of participation in each source selection action:

- (1) The Source Selection Authority (SSA);
- (2) Chairperson, Source Election Advisory Council (SSAC)/Contract Award Review Panel (CARP);
- (3) Chairperson, Source Selection Evaluation Board (SSEB)/Technical Evaluation Review Panel (TERP); and
- (4) The Procuring Contracting Officer (PCO).

d. Following receipt of the bids/offers, each individual is responsible for ensuring that the DD Form 1555 and the Certification remain valid for the potential prime contractors as well as potential subcontractors and suppliers identified or identifiable by the bids/offers. If invalid or questionable, the individual shall address the issue to the appropriate person listed above.

e. The SSA and PCO are responsible for jointly reviewing and signing each Certification and for reviewing each submitted DD Form 1555 and determining whether there is a potential conflict of interest. The PCO shall make the decision, prior to receipt of proposals, whether a conflict or apparent conflict of interest exists. Recipients shall undertake proper measures to ensure the contents of the DD Forms 1555 are disclosed to personnel only on the strictest need-to-know basis.

f. Any person who fails to execute the required Certification and DD Form 1555 shall not participate in the source selection process.

g. The Conflict of Interest, Non-Disclosure of Information Certifications and DD Forms 1555 shall be retained by the PCO as part of the Source Selection Record. Upon completion of the review, the PCO shall detach the Certifications from the DD Forms 1555 and file all Certifications in the SEA 02 official contract file. The PCO shall seal the completed DD Forms 1555 in an envelope marked "DO NOT OPEN - CONTAINS PRIVACY ACT INFORMATION;" label it according to the solicitation number; sign his or her name across the sealed flap along with his or her office code, telephone number, and the date; and forward it to SEA 02D, the Office of the Special Assistant for Resource Management. SEA 02D shall file each DD Form 1555 envelope in sequential order according to the solicitation number and maintain the file. When requested as part of the contract closeout action, SEA 02D will forward the envelope to the PCO for consolidation into the official archive file to be sent to the Federal Records Center.

6. Action. All personnel involved in the source selection process shall comply with the policy, guidelines, and procedures prescribed in this instruction and as prescribed in references (a) through (d).

7. Forms. Form DD 1555, Confidential Statement of Affiliations and Financial Interests--Department of Defense Personnel (Including Special Government Employees), may be requisitioned per NPFC P-2002D.


KENNETH C. MALLEY

Distribution:
(See page 4)

NAVSEAINST 4295.2B
4 Dec 1991

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From: _____

Subj: CONFLICT OF INTEREST, NON-DISCLOSURE OF INFORMATION
CERTIFICATION (Solicitation Number _____)

Ref: NAVSEAINST 4295.2B of 4 December 1991, Subj: same

1. In accordance with the current laws, regulations, directives and instructions pertaining to conflicts of interest, I hereby certify that:

- a. Based on my current status I have executed and attached hereto a copy (if previously filed and still current) or an original of the DD Form 1555, Confidential Statement of Affiliations and Financial Interests.
- b. I have notified my supervisor of any real or apparent situation or affiliation that may constitute a conflict of interest under referenced laws, regulations, directives, and instructions.
- c. I, my spouse, my minor children, my immediate household members, or my partner, have no interest in or affiliation or association with any individual, firm, or organization which may benefit from the outcome of these proceedings.

2. I further certify that I understand my obligations and responsibility under the applicable laws, regulations, directives and instructions not to discuss, divulge or otherwise disclose any information, procedure, correspondence, documentation, evaluation or other data pertaining to this acquisition, except as approved by the Contracting Officer, or as otherwise authorized by law.

3. I understand that this Certification will be made part of the source selection record and the official contract file and does not relieve me of the responsibility for any other disclosure or certification requirement required by law, regulation, or other directive.

Signature/Date (Individual)

Signature/Date (SSA or PCO)