

**CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES**

ADMINISTRATIVE PROCEDURE

Proc. AP-006

Revision 0

Page 1 of 4

Title

CONSULTANT AGREEMENT SUBMISSION AND APPROVAL

EFFECTIVITY AND APPROVAL

Revision 0 of this procedure became effective on December 5, 1988. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change</u>	<u>Date Effective</u>
1-4	0	12/5/88

SUPERSEDED

Superseded by Rev ⁰² of Chg 0 - May 19, 1995

Supersedes Procedure No. NONE

Approvals

Written By

Bruno Malabris

Date

12/5/88

Cognizant Director

[Signature]

Date

12/5/88

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AP-006 CONSULTANT AGREEMENT SUBMISSION AND APPROVAL

1. INTRODUCTION

A number of consultants will be employed to augment, as required, the efforts of the Center pursuant to the existing NRC prime contract. These consultants will be selected from those who meet applicable criteria defined in such contract. The timely and efficient execution and subsequent administration of each consultant agreement will facilitate the accomplishment of contract deliverables within the schedule and fiscal constraints as initially defined and from time to time modified consistent with then current contract provisions.

2. PURPOSE AND SCOPE

The development, preparation and award of a "Consultant Services Contract" (CSC), a sample of which is attached for reference (Attachment 1), involves the efficient interaction of cognizant personnel from the Center for Nuclear Waste Regulatory Analyses (Center), Southwest Research Institute (SwRI), Nuclear Regulatory Commission (NRC) and the respective consultant(s). This procedure outlines the salient methods and mechanics associated with the supply of the required services to accomplish those task(s) and/or activity(ies) referenced in each CSC requested by such Center personnel.

3. RESPONSIBILITY

3.1 Consistent with SwRI's Operating Policies and Procedures, the Personnel Department will solicit the execution of a CSC from each prospective consultant, make the formal award determination and execution in behalf of both SwRI and Center, and maintain a file on all active consultants.

3.2 The SwRI Contracts Administration Department will communicate formally on all consultant matters relative to the necessary scrutiny and required approval(s) with NRC's Division of Contracts.

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- 3.3 The Director of Administration (DA) for the Center will monitor and coordinate all consultant activity with each cognizant entity identified in Section 2 herein.
- 3.4 The Center staff will communicate all consultant matters through the DA who will coordinate the solicitation and subsequent review of each CSC with the cognizant Center staff.
- 3.5 A request for consultant services may be initiated by any Center staff member but must be concurred in by the cognizant Element/Subelement Manager and the Technical Director.

4. PROCEDURE

The following outlines the mechanics of solicitation, review and award of each CSC pursuant to the existing NRC contract with the Center.

- 4.1 Cognizant Center staff will make a thorough search of technically qualified consultants and a preliminary assessment that they have no organizational conflicts of interest or no such conflicts exist with any individual consultant who will perform professional services in connection with the consultant agreement (See AP-001). Subsequently, the staff will initiate a CSC between the Center and each consultant by submitting a memorandum requesting a CSC, via the DA who will include a "Applicant Action Form" (E-11) a copy of which is attached for reference (Attachment 2), to the Director of Personnel (DP). Such memorandum will define the general scope of work, period of performance, the Center Technical Monitor (TM) associated with each CSC, and indicate concurrence of the cognizant Element/Subelement Manager and the Technical Director. A copy of the individual's current resume or curriculum vita must also accompany the E-11.
- 4.2 The DP will solicit the execution of a CSC and corresponding statement(s) of personal and/or organizational conflicts of interest from each consultant. After receipt of this material, the DP will concurrently submit same to the DA, who shall make available this material to the cognizant Center staff for their review and action, and via SwRI's Contracts Administration Department to the NRC's Division of Contracts personnel.
- 4.3 The Director of Administration for the Center will forward any action items, e.g., conflicts of interest determinations by the

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Center Management Committee concerned with these matters (in accordance with AP-001), to the DP for incorporation in any materials attendant to the award of each CSC.

4.4 After receipt of all materials from the Center and SwRI's Contracts Administration, the DP will take the necessary steps to effect execution of each CSC and make distribution of such executed contract as stated in 4.2 above.

4.5 All modifications to existing CSC will be initiated by the Center through its DA, and the DP will prepare all necessary materials to be submitted to all cognizant entities for review and approval and each consultant for execution. The DP will sign each modification in behalf of both SwRI and Center, and make distribution as stated in 4.2 above.

5. RECORDS

Contractual documentation including but not limited to CSC documents is retained by SwRI for a duration of six (6) years as approved by all cognizant audit agencies and its now current audit firm. The Center will maintain an essentially duplicative set of materials for ready access.

CONSULTANT SERVICES CONTRACT

CONTRACT effective _____, 19 _____ between Southwest Research Institute, 6220 Culebra Road, San Antonio, Texas, a Texas Nonprofit Corporation, hereafter called "Institute," and _____

hereafter called "Consultant".

For the purpose of guiding and assisting Institute in its scientific and engineering research and development work, Consultant hereby agrees to render consultant and advisory services to Institute on a per diem basis on the following terms and conditions:

1. Subject to Consultant's approval, Consultant's services shall be rendered at such times and places as Institute may designate. At Institute's request, Consultant shall deliver written reports to Institute on each assignment.

2. Services rendered by Consultant for Institute and Consultant's and Institute's respective relationship in all matters related to this Contract shall be as independent contractor and not as employee, agent or servant. Consultant shall have no authority to and shall not bind or obligate Institute in any manner whatsoever. Consultant shall not make any representations in respect to Institute, its affairs and its employees except as Institute may specifically authorize in writing.

3. In consideration of the services rendered by Consultant hereunder, Institute shall pay Consultant _____

per day for each day of services rendered. It is understood and agreed that a day of such services shall comprise any accumulation of eight hours of time spent in performance of the services rendered hereunder. Consultant shall submit a monthly statement to Institute on the last day of each month during which Consultant renders services hereunder, and Institute shall pay the amount of such statement within fifteen days after receipt of same. Each such statement shall be itemized to show the dates, number of days and hours of services rendered during such month, together with a brief statement of the kind and nature of the services so rendered.

4. Provided prior approval to incur expense has been given by Institute, Institute shall reimburse Consultant for the cost of transportation and subsistence while on travel status. Request for reimbursement, accompanied by such receipts as may be required by Institute, shall be submitted by Consultant as part of the monthly statement for services rendered and reimbursement shall be made at the same time as payment is made for such services.

5. Consultant shall disclose promptly to Institute all discoveries, improvements and inventions conceived or made by him either alone or jointly with others in connection with his services under this Contract and as a result thereof. At Institute's request and expense, Consultant shall execute all papers and deliver to Institute all data and other information, and do and perform such other acts as Institute may require to assign and transfer all Consultant's right, title and interest therein to Institute and to enable Institute to apply for, obtain and enforce patent protection thereon throughout the world. Time spent by Consultant in discharging these obligations and all out-of-pocket costs and expenses incurred by him in connection therewith shall be paid by Institute. If Consultant submits any suggestion, idea, disclosure, report, data or other information, either orally or in writing, which is not or does not thereupon become the property of Institute for any reason, Consultant hereby grants Institute a nonexclusive, royalty free right and license to use the same for any Institute purpose without further obligation on Institute. Consultant agrees that he will retain in confidence and not use or disclose to others any of Institute's trade secrets, confidential know-how, data or other information acquired by, or disclosed to him by Institute.

APPLICANT ACTION FORM

THIS FORM MUST BE RETURNED TO THE PERSONNEL DEPARTMENT TO RECORD THE ACTIONS TAKEN.

From/To: _____ Date: _____ SSN: _____
 To/From: _____ Applicant: _____
 _____ Requisition Number(s):

AFTER REVIEW OF THE APPLICANT'S FILE

The applicant is not qualified for the referenced position for the following reasons: [Select one or more reasons from the list on the reverse side of this form and enter corresponding code(s).]

1

--	--

 2

--	--

 3

--	--

Explanation of code selection required: _____

 _____ Signature _____

	Complete the following	(Personnel use only) Check when completed
We are interested in the Applicant:		
Obtain academic records/verify degree(s):	<input type="checkbox"/>	<input type="checkbox"/>
Obtain reference checks:	<input type="checkbox"/>	<input type="checkbox"/>
Invite for job interview - suggested date/time: _____	<input type="checkbox"/>	<input type="checkbox"/>
alternate date/time: _____		
Confirm interview trip arrangements:		
Travel _____	<input type="checkbox"/>	<input type="checkbox"/>
Lodging _____	<input type="checkbox"/>	<input type="checkbox"/>
Rented car _____	<input type="checkbox"/>	<input type="checkbox"/>
Confirmed _____ with _____		
(date)		(name)
Appointment Times: CC68: _____ CC: _____ VP: _____		

AFTER REVIEW OF THE APPLICANT

The applicant is not selected for the following reasons: [Select one or more reasons from the list on the reverse side of this form and enter corresponding code(s).]

1

--	--

 2

--	--

 3

--	--

Explanation of code selection required: _____

 _____ Signature _____

We are interested in the Applicant and wish to make the following offer:

Code Center: _____ Department: _____
 Job Title: _____ Salary Offer: _____
 Employment Status: RF RP TF TP Consultant Start to Work: _____

APPROVING AUTHORITY

Division/Department Head: _____ Date: _____
 Director of Personnel: _____ Date: _____
 Exec. VP/President: _____ Date: _____

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CONSULTANT AGREEMENT SUBMISSION AND APPROVAL

EFFECTIVITY AND APPROVAL

Revision 1 of this procedure became effective on May 19, 1995. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change</u>	<u>Date Effective</u>
1 - 5	0	5/19/95

SUPERSEDED

Supersedes Procedure No. AP-006, Rev 0 Chg 0, December 1988

Approvals

Written By

Date

Cognizant Director

Date

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AP-006 CONSULTANT SERVICES CONTRACT SUBMISSION AND APPROVAL

1. INTRODUCTION

A consultant may be contracted to augment the work of Center for Nuclear Waste Regulatory Analyses (CNWRA) core staff in behalf of the Nuclear Regulatory Commission (NRC) or another entity.

The use of consultants will benefit the CNWRA primarily in two areas. First, the timely selection of a consultant and efficient application of his/her recognized technical expertise to the work in a particular CNWRA element and/or project will facilitate the accomplishment of contract deliverables within established fiscal and schedule constraints imposed by the NRC or another entity for their respective contractual agreements. Second, the CNWRA can benefit, to the extent possible and as part of its NRC contract provision, from choosing consultants especially from socially and economically disadvantaged as well as minority business enterprise (MBE) groups.

Selection of a consultant is based on applicable criteria including: (i) freedom from any individual and, if employed or affiliated with an organization, organizational conflict-of-interest (COI), (ii) documented competence in the area of technical expertise, (iii) a demonstrated record of completing work in a timely and cost-effective manner, and (iv) record of his/her status as an independent contractor.

2. PURPOSE AND SCOPE

This procedure applies to all consulting services acquired by the CNWRA. The development, preparation, and award of a Consultant Services Contract (CSC), a sample of which is attached for reference (Attachment 1), involves the interaction of cognizant personnel from the CNWRA, Southwest Research Institute (SwRI), and, if necessary, the NRC or other entity. This procedure provides the methodology for securing the required consulting services defined in each CSC.

3. RESPONSIBILITY

3.1 A CNWRA staff member is responsible for initiating a memorandum accompanied by a statement-of-work (SOW) and a list of potential consultants capable of responding to this SOW to request a consultant and the execution of a CSC with such consultant.

3.2 The CNWRA Administrative Coordinator (AC) is responsible for preparation and distribution of a COI solicitation package and monitoring the progress of this package through the evaluation and selection process.

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- 3.3 The CNWRA Director of Quality Assurance (DQA) is responsible for conducting COI Management Committee meeting for disposition of the COI package.
- 3.4 The CNWRA Director of Administration (DA) is responsible for monitoring and/or coordinating all communications with the SwRI Personnel Department (SPD) and the consultant as well as with all other concerned parties identified in Section 2 of this procedure.
- 3.5 The SPD is responsible for executing the CSC with the selected consultant and maintaining a file on all active and terminated CSCs.
- 3.6 The SwRI Legal Department (LD) is responsible for development and inclusion of contract clauses as well as solicitation and approval of foreign nationals providing consulting services to SwRI and CNWRA.

4. PROCEDURE

The following procedure will be followed for solicitation, review, award, and record retention of a CSC.

- 4.1 A CNWRA staff member will: (i) prepare, to the maximum extent possible, a detailed SOW describing the nature and scope of the work to be performed by a consultant and the period of performance for such work, including any requisite deliverables and corresponding dates for such deliverables; (ii) determine that other SwRI Divisions do not have the available labor resources to complete the work defined in the SOW in a timely and cost-effective manner; (iii) make a thorough search of technically qualified consultants with no apparent individual and, if applicable, organizational COI; (iv) provide a list of eligible consultants who may be willing to respond to a Request for Proposal (RFP) from the DA; (v) submit a copy of each consultant's current resume or curriculum vitae; and (vi) prepare a memorandum for securing a CSC.

This memorandum will be accompanied by: (i) the detailed SOW; and (ii) a separate memorandum describing the rationale for not using another SwRI Division's resources and contracting with a consultant and, if recommending a particular consultant, the rationale for executing a CSC with that consultant. While making the search for technically qualified consultants with no apparent individual and, if applicable, organizational COI, the staff member should solicit labor rate information and ask the prospective consultant to send a copy of his/her consultant rate schedule along with his/her resume or curriculum vitae to the AC. The CNWRA staff member will secure the approvals of his/her cognizant CNWRA

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Element Manager (EM) and the CNWRA Technical Director (TD) before conveying the memorandum with all accompanying materials to the AC.

- 4.2 The AC will prepare a COI solicitation package, including the COI Questionnaire and a COI letter, for certifying freedom from individual, and, if applicable, organizational COI from a consultant who may work for the CNWRA, and will send this package to each consultant identified on the list provided by the cognizant CNWRA staff member. After collecting all responses, the AC will convey these responses to the DQA.
- 4.3 After receipt of these responses from the AC, the DQA will convene a COI Management Committee meeting to establish whether any individual or, if applicable, organizational COI exists related to each consultant. The DQA will return all documentation of COI determinations to the AC.
- 4.4 The AC will review all materials related to the request(s) for a CSC for one or more consultants to ensure that they have been completed properly, and will solicit an RFP from those consultants who are determined to be free of any COI. After receipt of the responses to this RFP, the DA will: (i) review these responses, (ii) negotiate and/or confirm the work scope and fee related to the CSC, (iii) coordinate the selection of a particular consultant with all affected CNWRA personnel, and (iv) convey the memorandum along with all supporting documentation, including an executed Applicant Action Form (SwRI Form E-11), to the SPD for execution of the CSC. Further, the DA will monitor and/or coordinate all communications with the SPD and the consultant as well as with all other concerned parties identified in Section 2 of this procedure.
- 4.5 The SPD, after receipt of all relevant materials related to a request for execution of a CSC from the AC, will: (i) secure approval for executing a CSC with a particular consultant from SwRI executive management, (ii) send the CSC to the consultant for his/her approval, (iii) execute the CSC in behalf of SwRI, and (iv) maintain a file on all active and terminated CSCs. After receipt of the executed CSC, the SPD will forward all related documentation to the AC, who will make the necessary CNWRA distribution of such documentation associated with any CSC.
- 4.6 The DA will initiate any modification to a CSC, with the exception of any changes to the CSC standard form, and will convey such modifications along with all supporting information to the SPD. The SPD will submit any changes to a CSC to the LD and executive management for their approval. After receipt of all necessary approvals, the SPD will convey the modified CSC to each consultant for execution. Copies of the executed CSC will be sent to the AC for CNWRA distribution, as necessary.

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4.7 The LD will ensure that any modification initiated by the DA will comply with all CSC provisions. Further, the LD makes all the necessary contacts with appropriate U.S. Government agencies and/or bureaus before making any determination relative to contracting with any consultant and arranging for payment to such consultant for his/her services rendered.

5. RECORDS

Contractual documentation including but not limited to CSC documents is retained by SwRI for a duration of 6 years, as approved by all cognizant audit agencies and the current audit firm. The CNWRA will maintain a duplicate set of materials for the use by its staff.

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Title

CONSULTANT AGREEMENT SUBMISSION AND APPROVAL

EFFECTIVITY AND APPROVAL

Revision 2 of this procedure became effective on January 13, 1998. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change</u>	<u>Date Effective</u>
1 - 5	0	01/13/98

SUPERSEDED

Superseded by Rev 3, Chg 0 - July 26, 1999

Supercedes Procedure No. AP-006, Rev 1 Chg 0 - May 1995

Approvals			
Written By	Date	Significant Director	Date
<i>[Signature]</i>	<i>1/15/98</i>	<i>[Signature]</i>	<i>1/13/98</i>

HFC

2/7

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CONSULTANT SERVICES CONTRACT SUBMISSION AND APPROVAL

1. INTRODUCTION

A consultant may be contracted to augment the work of Center for Nuclear Waste Regulatory Analyses (CNWRA) core staff in behalf of the Nuclear Regulatory Commission (NRC) or other client.

The use of consultants will benefit the CNWRA primarily in two areas. First, the timely selection of a consultant and efficient application of his/her recognized technical expertise to the work in a particular CNWRA element and/or project will facilitate the accomplishment of contract deliverables within established fiscal and schedule constraints imposed by the NRC or another client for their respective contractual agreements. Second, the CNWRA can benefit, to the extent possible and as part of its NRC contract provision, from choosing consultants especially from socially and economically disadvantaged as well as minority business enterprise (MBE) groups.

Selection of a consultant is based on applicable criteria including (i) freedom from any individual and, if employed or affiliated with an organization, organizational conflict-of-interest (COI); (ii) documented competence in the area of technical expertise; (iii) a demonstrated record of completing work in a timely and cost-effective manner; and (iv) record of his/her status as an independent contractor.

2. PURPOSE AND SCOPE

This procedure applies to all consulting services acquired by the CNWRA. The development, preparation, and award of a Consultant Services Contract (CSC) involves the interaction of cognizant personnel from the CNWRA, Southwest Research Institute (SwRI), and, if necessary, the NRC or other client. This procedure provides the methodology for securing the required consulting services defined in each CSC.

3. RESPONSIBILITY

3.1 A CNWRA staff member or cognizant Element Manager (EM) is responsible for initiating a memorandum to the COI Management Committee along with a Support for Consultant/Subcontractor Request attachment providing the information necessary to request a consultant and the execution of a CSC with such consultant.

3.2 The CNWRA Administrative Coordinator (AC) is responsible for preparation and distribution of a COI solicitation package and monitoring the progress of this package through the evaluation and selection process.

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- 3.3 The CNWRA Director of Quality Assurance (DQA) is responsible for conducting COI Management Committee meeting for disposition of the COI package.
- 3.4 The CNWRA Director of Administration (DA) is responsible for monitoring all communications with the SwRI Personnel Department (SPD) and the consultant as well as with all other concerned parties identified in section 2 of this procedure.
- 3.5 The SPD is responsible for executing the CSC with the selected consultant and maintaining a file on all active and terminated CSCs.
- 3.6 The SwRI Legal Department (LD) is responsible for development and inclusion of contract clauses as well as solicitation and approval of foreign nationals providing consulting services to SwRI and CNWRA.

4. PROCEDURE

The following procedure will be followed for solicitation, review, award, and record retention of a CSC.

- 4.1 A CNWRA staff member or cognizant EM will (i) prepare, to the maximum extent possible, a detailed Statement of Work (SOW) describing the nature and scope of the work to be performed by a consultant and the period of performance for such work, including any requisite deliverables and corresponding dates for such deliverables; (ii) determine that other SwRI Divisions do not have the available labor resources to complete the work defined in the SOW in a timely and cost-effective manner; (iii) make a thorough search of technically qualified consultants with no apparent individual and, if applicable, organizational COI; (iv) provide a list of eligible consultants who may be willing to respond to a Request for Proposal (RFP); (v) submit a copy of each consultant's current resume or curriculum vitae; and (vi) prepare a memorandum for securing a CSC.

The memorandum to the COI Management Committee (see attachment 1) along with a Support for Consultant/Subcontractor Request (see attachment 2) will include (i) the name of the proposed consultant; (ii) the rationale for using and programmatic impact of not using such consultant; (iii) the detailed SOW; (iv) a list of eligible consultants considered; (v) the rationale for sole/single source selection (if recommending a particular consultant, the rationale for executing a CSC with that consultant); (vi) the rationale for not using SwRI resources; (vii) the programmatic impact on CNWRA work; (viii) the rationale for rate(s); and (ix) the work breakdown structure number(s) associated with the planned work. While making the search for technically qualified consultants with no apparent individual and, if applicable, organizational COI, the staff member or cognizant EM should solicit

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labor rate information and ask the prospective consultant to send a copy of his/her consultant rate schedule along with his/her resume or curriculum vitae to the AC. The CNWRA staff member will secure the approvals of his/her cognizant CNWRA EM and the CNWRA Technical Director (TD) before conveying this memorandum with all accompanying materials to the AC.

- 4.2 The AC will prepare a COI solicitation package, including the COI Questionnaire and a COI letter, for certifying freedom from individual, and, if applicable, organizational COI from a consultant who may work for the CNWRA, and will send this package to each consultant identified on the list provided by the cognizant CNWRA staff member. After collecting all responses, the AC will convey these responses to the DQA.
- 4.3 After receipt of these responses from the AC, the DQA will convene a COI Management Committee meeting to establish whether any individual or, if applicable, organizational COI exists related to each consultant. The DQA will return all documentation of COI determinations to the AC.
- 4.4 The AC will review all materials related to the request(s) for a CSC for one or more consultants to ensure that they have been completed properly, and will solicit an RFP from those consultants who are determined to be free of any COI. After receipt of the responses to this RFP, the DA will (i) review these responses, (ii) negotiate and/or confirm the work scope and fee related to the CSC, (iii) coordinate the selection of a particular consultant with all affected CNWRA personnel, and (iv) convey the memorandum to the COI Management Committee along with the Support for Consultant/Subcontractor Request attachment, including an executed Applicant Action Form (SwRI Form E-11), to the SPD for execution of the CSC. Further, the DA will monitor and/or coordinate all communications with the SPD and the consultant as well as with all other concerned parties identified in section 2 of this procedure.
- 4.5 The SPD, after receipt of all relevant materials related to a request for execution of a CSC from the AC, will (i) secure approval for executing a CSC with a particular consultant from SwRI executive management, (ii) send the CSC to the consultant for his/her approval, (iii) execute the CSC in behalf of SwRI, and (iv) maintain a file on all active and terminated CSCs. After receipt of the executed CSC, the SPD will forward all related documentation to the AC, who will make the necessary CNWRA distribution of such documentation associated with any CSC.

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- 4.6 The DA will initiate any modification to a CSC, with the exception of any changes to the CSC standard form, and will convey such modifications along with all supporting information to the SPD. The SPD will submit any changes to a CSC to the LD and executive management for their approval. After receipt of all necessary approvals, the SPD will convey the modified CSC to each consultant for execution. Copies of the executed CSC will be sent to the AC for CNWRA distribution, as necessary.
- 4.7 The LD will ensure that any modification initiated by the DA will comply with all CSC provisions. Further, the LD makes all the necessary contacts with appropriate U.S. Government agencies and/or bureaus before making any determination relative to contracting with any consultant and arranging for payment to such consultant for his/her services rendered.

5. RECORDS

Contractual documentation including but not limited to CSC documents is retained by SwRI for a duration of 6 yr, as approved by all cognizant audit agencies and the current audit firm. The CNWRA will maintain a duplicate set of materials for the use by its staff.

ATTACHMENT 1

6/1

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES

MEMORANDUM

Date

TO: Conflict of Interest Management Committee

FROM:

SUBJECT: Element Cover Memorandum/Consultant/Subcontractor Usage

I have reviewed the attached for determination of any individual or organizational Conflict of Interest (COI) and evaluation of the selected consultant's or subcontractor's qualifications and availability to perform work in behalf of the CNWRA. I have concluded that this consultant or subcontractor has no COI and is qualified to execute the Statement of Work defined in the "Support for Consultant/Subcontractor Request."

The attached provides all requisite information associated with subject. I have followed AP-006 and AP-005 in preparing such information. The COI Committee is asked to review the attached and make the determination relative to the use of this consultant or subcontractor in pursuit of authorized CNWRA work.

If you require any additional information, please contact me.

cc: COI Committee
P. Easley
B. Crumlett
A. Lopez

ATTACHMENT 2

7/7

SUPPORT FOR CONSULTANT/SUBCONTRACTOR REQUEST

Date

CONSULTANT/SUBCONTRACTOR:

**RATIONALE FOR USING AND PROGRAMMATIC IMPACT OF NOT USING
CONSULTANT/SUBCONTRACTOR:**

STATEMENT OF WORK:

LIST OF ELIGIBLE CONSULTANTS/SUBCONTRACTORS CONSIDERED:

RATIONALE FOR SOLE/SINGLE SOURCE SELECTION:

RATIONALE FOR NOT USING SwRI RESOURCES:

PROGRAMMATIC IMPACT ON CNWRA WORK:

RATIONALE FOR RATE(S):

Estimated duration/hours:

Estimated rate(s)/hour:

WORK BREAKDOWN STRUCTURE NUMBER(S):

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Title

OBTAINING CONSULTANT SERVICES

EFFECTIVITY AND APPROVAL

Revision 3 of this procedure became effective on July 26, 1999. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change</u>	<u>Date Effective</u>
1 - 7	0	07/26/99

SUPERSEDED

Supersedes Procedure No. AP-006, Rev 2—January 1998

Approvals

Written By <i>Sam Malachuk</i>	Date 7/23/99	Concurrence <i>Roseanne Arf</i>	Date 7/23/99
Quality Assurance <i>Mark R. Johnston</i>	Date 7/23/99	Cognizant Director <i>[Signature]</i>	Date 7/23/99

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AP-006 OBTAINING CONSULTANT SERVICES

1. INTRODUCTION

A consultant may be contracted to augment the work of Center for Nuclear Waste Regulatory Analyses (CNWRA) core staff on behalf of the Nuclear Regulatory Commission (NRC) or other clients.

The use of consultants benefits the CNWRA in three ways. First, the timely acquisition of consultants and application of their technical expertise to the work in a particular CNWRA element and/or project will facilitate the accomplishment of contract deliverables within established fiscal and schedule constraints. Second, access can provide in-depth technical support not resident with the core staff. Third, the CNWRA can benefit from choosing consultants from socially and economically disadvantaged as well as highly underutilized business groups, which is encouraged as part of government contract provisions.

Selection of a consultant is based on applicable criteria including (i) demonstrated competence and ability in the areas required, (ii) freedom from any personal or organizational conflict-of-interest (COI), (iii) compliance with the CNWRA quality assurance (QA) program requirements, and (iv) augmentation of CNWRA and/or Southwest Research Institute (SwRI) labor resources to complete the work in a timely and cost-effective manner.

2. PURPOSE AND SCOPE

This procedure applies to all consultant services acquired by the CNWRA to conduct activities under a new Statement of Work (SOW). Minor modifications of existing SOWs (e.g., increasing the number of tests or analyses, extending the period of performance, or other administrative changes while maintaining the same technical scope of work) do not require use of this procedure.

The development, preparation, and award of a Consultant Services Contract (CSC) requires the interaction of CNWRA, SwRI, and, if necessary, the associated client staff. This procedure provides the methodology for securing the required consultant services, which are defined in each CSC.

3. RESPONSIBILITY

- 3.1 A CNWRA Element Manager (EM), Principal Investigator (PI) or staff member is responsible for identifying the need for technical or other services and documenting the need in the form of a SOW.
- 3.2 The CNWRA Financial Clerk (FC) is responsible for soliciting proposals and statements of capabilities from potential consultants as well as preparing and distributing a source evaluation package and monitoring the progress of this package through the evaluation and selection process.

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- 3.3 The CNWRA Director of Quality Assurance (DQA) is responsible for determining the need for and including the appropriate quality requirements in any CSC and conducting a Source Evaluation Committee (SEC) meeting to (i) evaluate and verify the appropriateness of a proposed sole-source procurement or (ii) select a consultant through competitive procurement.
- 3.4 The CNWRA Director of Administration (DA) is responsible for assuring that the SwRI Personnel Department (SPD), the consultant, and other concerned parties identified in section 2 of this procedure have the necessary information to process, execute and implement each CSC.
- 3.5 The Source Evaluation Committee (SEC) comprises the CNWRA President, Technical Director, Director of Administration, Assistant Director for Systems Engineering and Integration; Director of Quality Assurance, and the cognizant Element Manager, or their appropriate representatives.
- 3.6 The SPD (described in the SwRI Operating Policies and Procedures Manual, 2.1.7) is responsible for reviewing all SwRI staff requests for consultants, obtaining the necessary approvals, executing the CSC, and maintaining a file on all active and terminated consultants.
- 3.7 The SwRI Legal Department (LD) is responsible for developing and including contract clauses as well as solicitation and approval of foreign nationals providing consulting services to CNWRA.

4. PROCEDURE

This procedure will be followed for the determination of need, identification of possible consultants, solicitation of proposals from potential consultants, selection of eligible consultants, award of a CSC, and retention of records. A flow chart of this process is shown in figure 1.

- 4.1 A CNWRA EM, PI or staff member will identify the need for technical or other services. They will determine the need for external labor, and assess the availability and technical competence of CNWRA staff to meet that need. If available and technically competent, CNWRA staff will be used and priorities adjusted, in cooperation with other EMs and the Technical Director (TD), as necessary to accomplish the anticipated work.
- 4.2 If no CNWRA staff are available, the EM, PI, or staff member responsible for identifying the need for technical or other consulting services will prepare a formal SOW describing the nature and scope of the work to be performed, the type of resources (labor, equipment, and facilities) to be used in the conduct of the work, and the approximate period of performance for such work, including any deliverables and corresponding dates for such deliverables.

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CNWRA = Center for Nuclear Waste Regulatory Analyses
 COI = Conflict of interest
 CSC = Consultant Services Contract
 DQA = Director of Quality Assurance
 EM = Element Manager
 FC = Financial Clerk
 PI = Principal Investigator
 PPQ = Professional Personnel Qualification
 QA = Quality assurance
 SEC = Source Evaluation Committee
 SOW = Statement of work
 SPD = SwRI Personnel Department
 TD = Technical Director

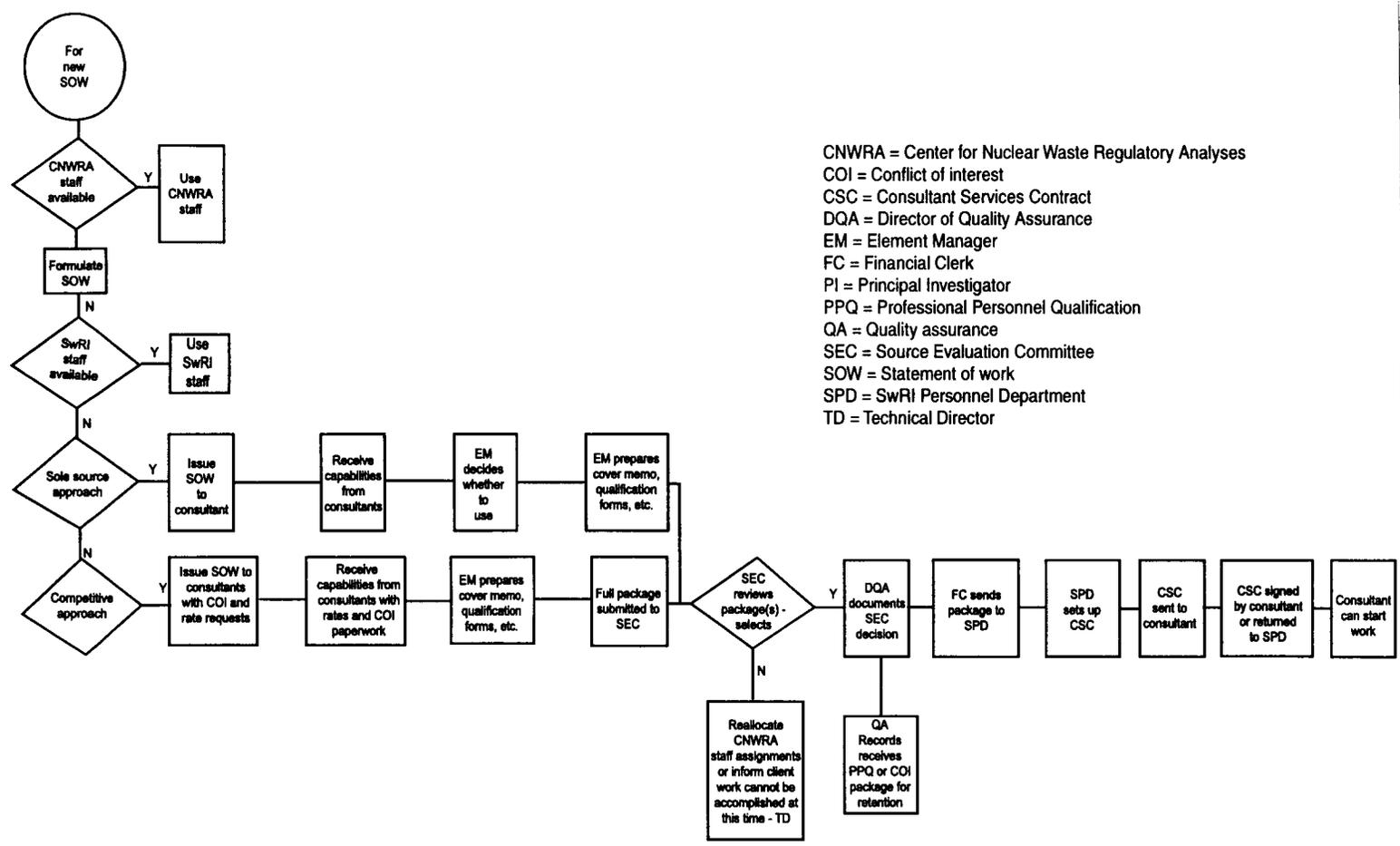


Figure 1. Consultant Acquisition Flowchart

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- 4.3 Through the use of the Program Development Office "Telephone Referral List" or the Personnel Department "SwRI Skills Bank" or other method, determine whether SwRI has the available labor and other resources to complete the work defined in the SOW in a timely and cost-effective manner. If SwRI resources are located, engage them to undertake the work, after conducting the requisite COI reviews.
- 4.4 If appropriate CNWRA or SwRI resources are not available, consultants or subcontractors who have the requisite skills and do not have any individual or organizational COI in the areas of work indicated in the SOW may be tasked to accomplish the work. If subcontracting is the preferred method of accomplishing the work, see AP-005, Obtaining Subcontract Services.
- 4.5 If appropriate, a "sole source procurement" may be initiated. Sole source procurement actions must comply with SwRI requirements.
- 4.5.1 To initiate a sole source procurement, the EM will request the FC to send the formal SOW to the prospective consultant. Documentation accompanying the SOW will include a CNWRA COI Questionnaire for the individual who may be utilized by the CNWRA, a sample "Freedom from COI letter," a copy of AP-001 (Evaluation of Potential Conflict of Interest), an hourly labor wage rate request for the consultant's labor, and a detailed cost estimate request or total cost estimate to fulfill the SOW requirements.
- 4.5.2 The prospective consultant will respond with a statement of capabilities. After receipt of this material by the FC, it is checked for completeness. If acceptable, it is forwarded to the cognizant EM.
- 4.5.3 If satisfied, the EM will assemble a comprehensive information package for the proposed consultant including a cover memorandum to the SEC (see attachment 1) along with a Support for Consultant Request attachment providing the information necessary to prepare a CSC (see attachment 2). The EM will (i) identify the proposed consultant; (ii) document the rate or cost in U.S. dollars per hour and period of performance; (iii) provide the detailed SOW and expected hours to be utilized; (iv) verify prior consultant work experience with SwRI/CNWRA, if any; (v) demonstrate the programmatic need for such consultant work; (vi) provide a list of eligible consultants considered for this work; (vii) give the rationale for sole or single source selection (if applicable); (viii) offer the rationale for not using SwRI resources; and (ix) indicate the project numbers, if feasible.
- 4.5.4 The DQA will receive the package from the EM, review it for completeness, and have sufficient copies made for use by the SEC.

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- 4.5.5 At a meeting of the SEC, this documentation will be reviewed to determine whether (i) the justification for the sole source procurement is adequate, (ii) the skills of the proposed consultant are sufficient to accomplish the SOW, and (iii) the consultant is free from potential COI.
- 4.5.6 Proceed with step 4.7.
- 4.6 If possible, the required services should be obtained using a competitive approach. Competitive procurement is always preferred for new SOWs, whether the consultant is new or currently conducting other work for the CNWRA.
- 4.6.1 To initiate a competitive procurement, the EM will request the FC to send the formal SOW to the prospective consultants. Documentation accompanying the SOW will include a CNWRA COI Questionnaire for the individual who may be utilized by the CNWRA, a sample "Freedom from COI letter," a copy of AP-001 (Evaluation of Potential Conflict of Interest), an hourly labor wage rate request for the consultant's labor, and a detailed cost estimate request or total cost estimate to fulfill the SOW requirements.
- 4.6.2 The FC receives the bids or proposals from the prospective consultants and if all information in 4.6.1 is complete and is in accordance with this procedure, the EM shall prepare a package for review and action by the SEC.
- 4.6.3 The EM will assemble a comprehensive information package for the proposed consultant including a cover memorandum to the SEC (see attachment 1) along with a Support for Consultant Request attachment providing the information necessary to prepare a CSC (see attachment 2). For the proposed procurement of services, the EM will (i) provide the detailed SOW and expected hours to be utilized; (ii) document the period of performance; (iii) demonstrate the programmatic need for such consultant work; (iv) offer the rationale for not using SwRI resources; and (v) indicate the project numbers, if feasible. For each consultant responding to the request for proposals, the EM will summarize (i) the rate or cost in U.S. dollars per hour; (ii) verify prior consultant work experience with SwRI/CNWRA, if any; and (iii) identify any capabilities, facilities, or other factors that distinguish the individual consultant from the other responders.
- 4.6.4 The DQA will receive the package from the EM, review it for completeness, and have sufficient copies made for use by the SEC.
- 4.6.5 The SEC will select the consultant utilizing criteria established by the SEC. The SEC will use selection criteria based on the requirements defined in the SOW and the need to find the most cost effective and suitable consultant for the proposed work.

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- 4.7 If the SEC decides that none of the proposed consultants is appropriate, it may instruct the EM, in collaboration with the TD, to reallocate CNWRA staff, or inform the CNWRA client that the work cannot be accomplished. When the consultant is approved by the SEC, the DQA will promptly document the decision and send a memorandum to the FC, the SPD, and each member of the SEC. The original copy of the DQA documentation will be retained as a QA Record.
- 4.8 The DQA will send all related materials to the FC, who will assist in generating an SwRI Form E-11 on the consultant to convey information to the SPD, using the same SOW as reviewed by the SEC. The SPD will process the signed and dated Form E-11 and prepare the CSC for execution by the consultant.
- 4.9 The SPD, after receipt of an approved Form E-11 with all accompanying paperwork from the CNWRA, will review the file to assure independent contractor status, obtain SwRI management approval, assure compliance with SwRI Operating Policies and Procedures, execute the CSC with the selected consultant, and maintain a file on all active consultants. After receipt of the executed CSC, the SPD will forward one copy of the documentation to the FC, who will notify the cognizant EM.
- 4.10 The DA will monitor any CSC language modifications, including quality requirements to a CSC, and will convey such modifications along with all supporting information to the SPD. After receipt of all necessary approvals, the SPD will convey the modified CSC to the consultant for execution. Copies of the modified and executed CSC will be sent to the FC for CNWRA distribution, as necessary.
- 4.11 Work by a consultant can begin after both parties have signed the CSC.

5. RECORDS

General contract documentation, including but not limited to CSC documents, is retained by SwRI for a duration of 6 yr, as required by all cognizant audit agencies and the current audit organization. The CNWRA will maintain a duplicate set of materials for the use by its staff.

ATTACHMENT 1

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES

MEMORANDUM

TO: Source Evaluation Committee

FROM:

SUBJECT: Consultant Services Contract for [Name of Consultant]

DATE:

I have reviewed the attached information and have evaluated the qualifications of [Name of Consultant] and that person's availability to perform work on behalf of the CNWRA. I have concluded that [Name of Consultant] has no Conflict of Interest and is qualified to execute the attached statement of work.

The attachments to this memorandum provide information required by SwRI OPP Section 5.4.1 and information required by CNWRA Administrative Procedure AP-006.

Please review this information and determine if we may use [Name of Consultant] on CNWRA work. If approved, please sign below.

APPROVED:

President, CNWRA

Date

ATTACHMENT 2

SUPPORT FOR CONSULTANT SERVICES CONTRACT REQUEST

CONSULTANT:

RATE (dollars/hour):

PERIOD OF PERFORMANCE:

STATEMENT OF WORK:

ESTIMATED UTILIZATION (hours):

PRIOR WORK EXPERIENCE WITH SWRI:

PROGRAMMATIC NEED FOR CONSULTANT WORK:

LIST OF ELIGIBLE CONSULTANTS/SUBCONTRACTORS CONSIDERED:

RATIONALE FOR SOLE/SINGLE SOURCE SELECTION:

RATIONALE FOR NOT USING SwRI RESOURCES:

PROJECT NUMBER(S):

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Title

OBTAINING CONSULTANT SERVICES

EFFECTIVITY AND APPROVAL

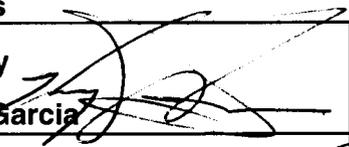
Revision 4 of this procedure became effective on December 14, 2001. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change</u>	<u>Date Effective</u>
1 - 8	0	12/14/2001

SUPERSEDED

Supersedes Procedure No. AP-006, Rev 3—July 26, 1999

Approvals

Written By Henry F. Garcia 	Date 12/14/01	Concurrence Roseanne Ard 	Date 12/14/01
Quality Assurance Bruce Mabrito 	Date 12/14/2001	Cognizant Director Wesley Patrick 	Date 12/14/01

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AP-006 OBTAINING CONSULTANT SERVICES

1. INTRODUCTION

A consultant may be contracted to augment the work of Center for Nuclear Waste Regulatory Analyses (CNWRA) core staff on behalf of the Nuclear Regulatory Commission (NRC) or other clients.

The use of consultants benefits the CNWRA in three ways. First, the timely acquisition of consultants and application of their technical expertise to the work in a particular CNWRA element and/or project will facilitate the accomplishment of contract deliverables within established fiscal and schedule constraints. Second, access can provide in-depth technical support not resident with the core staff. Third, the CNWRA can benefit from choosing consultants from socially and economically disadvantaged as well as highly underutilized business groups, which is encouraged as part of government contract provisions.

Selection of a consultant is based on applicable criteria including (i) demonstrated competence and ability in the areas required, (ii) freedom from any personal or organizational conflict-of-interest (COI), (iii) compliance with the CNWRA quality assurance (QA) program requirements, and (iv) augmentation of CNWRA and/or Southwest Research Institute (SwRI) labor resources to complete the work in a timely and cost-effective manner.

2. PURPOSE AND SCOPE

This procedure applies to all consultant services acquired by the CNWRA to conduct activities under a new Statement of Work (SOW). Minor modifications of existing SOWs (e.g., increasing the number of tests or analyses, extending the period of performance, or other administrative changes while maintaining the same technical scope of work) do not require use of this procedure.

The development, preparation, and award of a Consultant Services Contract (CSC) requires the interaction of CNWRA, SwRI, and, if necessary, the associated client staff. This procedure provides the methodology for securing the required consultant services, which are defined in each CSC.

3. RESPONSIBILITY

3.1 A CNWRA Element Manager (EM), Principal Investigator (PI) or staff member is responsible for identifying the need for technical or other services and documenting the need in the form of a SOW.

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- 3.2 The CNWRA Financial Clerk (FC) is responsible for soliciting proposals and statements of capabilities from potential consultants. In addition, the FC will prepare and distribute a source evaluation package as well as monitor the progress of this package through the evaluation and selection process. After the package has been returned to the FC, he/she will forward this information to the SwRI Human Resources Department (HRD).
- 3.3 The CNWRA Director of Quality Assurance (DQA) is responsible for determining the need for and including the appropriate quality requirements in any CSC and conducting a Source Evaluation Committee (SEC) meeting to (i) evaluate and verify the appropriateness of a proposed sole-source procurement or (ii) select a consultant through competitive procurement.
- 3.4 The CNWRA Director of Administration (DA) is responsible for assuring that the SwRI HRD, the consultant, and other concerned parties identified in section 2 of this procedure have the necessary information to process, execute, and implement each CSC.
- 3.5 The SEC comprises the CNWRA President, Technical Director, Director of Administration, Assistant Director for Systems Engineering and Integration; Director of Quality Assurance, and the cognizant Element Manager, or their appropriate representatives.
- 3.6 The HRD (described in the SwRI Operating Policies and Procedures Manual, 2.1.7) is responsible for reviewing all SwRI staff requests for consultants, obtaining the necessary approvals, executing the CSC, and maintaining a file on all active and terminated consultants.
- 3.7 The SwRI Legal Department (LD) is responsible for writing contract clauses to be included in the CSC as well as approving the CSC for foreign nationals providing consulting services to CNWRA.
- 3.8 The consultant is obligated to advise the CNWRA of their intent to pursue future work that could cause a COI, and obtain approval prior to proceeding.

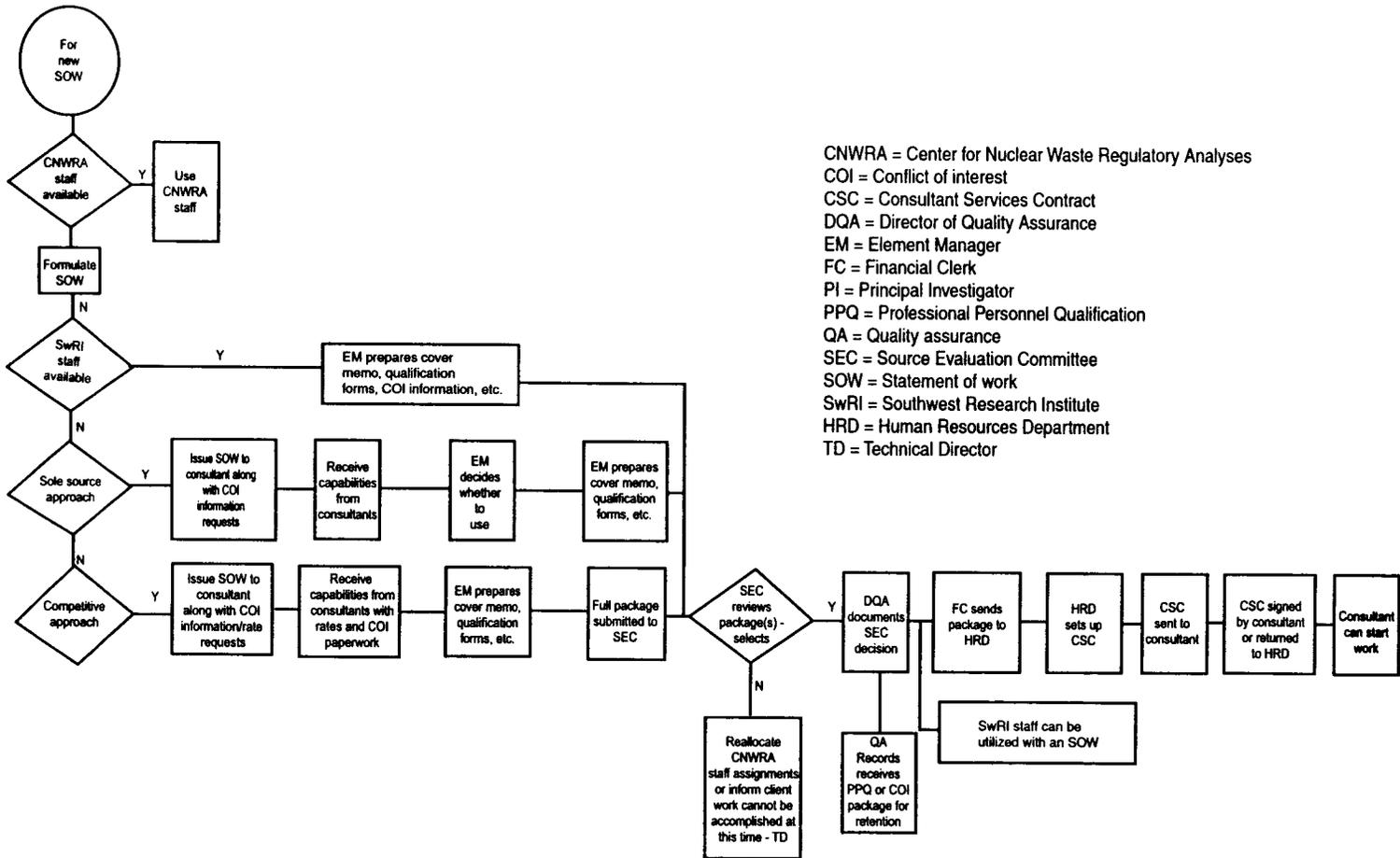
4. PROCEDURE

This procedure will be followed for the determination of need, identification of possible consultants, solicitation of proposals from potential consultants, selection of eligible consultants, award of a CSC, and retention of records. A flow chart of this process is shown in figure 1.

- 4.1 A CNWRA EM, PI or staff member will identify the need for technical or other services. They will determine the need for external labor, and assess the availability and technical competence of CNWRA staff to meet that need. If available and technically competent, CNWRA staff will be used and priorities adjusted, in cooperation with other EMs and the Technical Director (TD), as necessary to accomplish the anticipated work.

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CNWRA = Center for Nuclear Waste Regulatory Analyses
 COI = Conflict of interest
 CSC = Consultant Services Contract
 DQA = Director of Quality Assurance
 EM = Element Manager
 FC = Financial Clerk
 PI = Principal Investigator
 PPQ = Professional Personnel Qualification
 QA = Quality assurance
 SEC = Source Evaluation Committee
 SOW = Statement of work
 SwRI = Southwest Research Institute
 HRD = Human Resources Department
 TD = Technical Director

Figure 1. Consultant Acquisition Flowchart

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- 4.2 If no CNWRA staff are available, the EM, PI, or staff member responsible for identifying the need for technical or other consulting services will prepare a formal SOW describing the nature and scope of the work to be performed, the type of resources (labor, equipment, and facilities) to be used in the conduct of the work, and the approximate period of performance for such work, including any deliverables and corresponding dates for such deliverables.
- 4.3 Through the use of the Program Development Office "Telephone Referral List" or the HRD "SwRI Skills Bank" or other method, determine whether SwRI has the available labor and other resources to complete the work defined in the SOW in a timely and cost-effective manner. If SwRI resources are located, engage them to undertake the work, after conducting the requisite COI reviews.
- 4.4 If appropriate CNWRA or SwRI resources are not available, consultants or subcontractors who have the requisite skills and do not have any individual or organizational COI in the areas of work indicated in the SOW may be tasked to accomplish the work. If subcontracting is the preferred method of accomplishing the work, see AP-005, Obtaining Subcontract Services.
- 4.5 If appropriate, a "sole source procurement" may be initiated. Sole source procurement actions must comply with SwRI requirements.
- 4.5.1 To initiate a sole source procurement, the EM will request the FC to send the formal SOW to the prospective consultant. Documentation accompanying the SOW will include a CNWRA COI Questionnaire for the individual who may be utilized by the CNWRA, or a similar list of questions prepared by the EM to address the COI issues pertinent to the potential work, a sample "Freedom from COI letter" adapted by the EM to address non-NRC work if required, a copy of AP-001 (Evaluation of Potential Conflict of Interest), and a letter requesting the proposed hourly labor wage rate for the consultant's labor and a detailed cost estimate or total cost estimate to fulfill the SOW requirements.
- 4.5.2 The prospective consultant will respond with a statement of capabilities. After receipt of this material by the FC, it is checked for completeness. If acceptable, it is forwarded to the cognizant EM.
- 4.5.3 If satisfied, the EM will assemble a comprehensive information package for the proposed consultant including a cover memorandum to the SEC (see attachment 1) along with a Support for Consultant Services Contract Request attachment providing the information necessary to prepare a CSC (see attachment 2). The EM will (i) identify the proposed consultant; (ii) document labor rate(s) or cost in U.S. dollars per hour and period of performance; (iii) provide the detailed SOW, quality requirements, and expected hours to be utilized; (iv) verify prior consultant work experience with SwRI/CNWRA, if any; (v) demonstrate the programmatic need for such consultant work;

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(vi) provide a list of eligible consultants considered for this work; (vii) give the rationale for sole or single source selection (if applicable); (viii) offer the rationale for not using SwRI resources; (ix) provide appropriate COI information; and (x) indicate the project numbers, if feasible.

4.5.4 The DQA will receive the package from the EM, via the FC, review it for completeness, and have sufficient copies made for use by the SEC.

4.5.5 At a meeting of the SEC, this documentation will be reviewed to determine whether (i) the justification for the sole source procurement is adequate, (ii) the skills of the proposed consultant are sufficient to accomplish the SOW, and (iii) the consultant is free from potential COI.

4.5.6 Proceed with step 4.7.

4.6 If possible, the required services should be obtained using a competitive approach. Competitive procurement is always preferred for new SOWs, whether the consultant is new or currently conducting other work for the CNWRA.

4.6.1 To initiate a competitive procurement, the EM will request the FC to send the formal SOW to the prospective consultants. Documentation accompanying the SOW will include a CNWRA COI Questionnaire for the individual who may be utilized by the CNWRA, or a similar list of questions prepared by the EM to address the COI issues pertinent to the potential work, a sample "Freedom from COI letter" adapted by the EM to address non-NRC work if required, a copy of AP-001 (Evaluation of Potential Conflict of Interest), and a letter requesting the proposed hourly labor wage rate for the consultant's labor and a detailed cost estimate or total cost estimate to fulfill the SOW requirements.

4.6.2 The FC receives the bids or proposals from the prospective consultants and if all information in 4.6.1 is complete and is in accordance with this procedure, the EM shall prepare a package for review and action by the SEC.

4.6.3 The EM will assemble a comprehensive information package for the proposed consultant including a cover memorandum to the SEC (see attachment 1) along with a Support for Consultant Request attachment providing the information necessary to prepare a CSC (see attachment 2). For the proposed procurement of services, the EM will (i) provide the detailed SOW, quality requirements, and expected hours to be utilized; (ii) document the period of performance; (iii) demonstrate the programmatic need for such consultant work; (iv) offer the rationale for not using SwRI resources; (v) provide appropriate COI information;

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and (vi) indicate the project numbers, if feasible. For each consultant responding to the request for proposals, the EM will summarize (i) the rate or cost in U.S. dollars per hour; (ii) verify prior consultant work experience with SwRI/CNWRA, if any; and (iii) identify any capabilities, facilities, or other factors that distinguish the individual consultant from the other responders.

- 4.6.4 The DQA will receive the package from the EM, via the FC, review it for completeness, and have sufficient copies made for use by the SEC.
- 4.6.5 The SEC will select the consultant using selection criteria based on the requirements defined in the SOW and the need to find the most cost-effective and suitable consultant for the proposed work.
- 4.7 If the SEC decides that none of the proposed consultants is appropriate, it may instruct the EM, in collaboration with the TD, to reallocate CNWRA staff, or inform the CNWRA client that the work cannot be accomplished. When the consultant is approved by the SEC, the DQA will promptly document the decision and send a memorandum to the FC, the HRD, and each member of the SEC. The original copy of the DQA documentation will be retained as a QA Record.
- 4.8 The DQA will send all related materials to the FC, who will assist in generating an SwRI Form E-11 on the consultant to convey information to the HRD, using the same SOW as reviewed by the SEC. The HRD will process the signed and dated Form E-11 and prepare the CSC for execution by the consultant.
- 4.9 The HRD, after receipt of an approved Form E-11 with all accompanying paperwork from the CNWRA, will review the file to assure independent contractor status, obtain SwRI management approval, assure compliance with SwRI Operating Policies and Procedures, execute the CSC with the selected consultant, and maintain a file on all active consultants. After receipt of the executed CSC, the HRD will forward one copy of the documentation to the FC, who will notify the cognizant EM.
- 4.10 The DA will monitor any CSC language modifications, including quality requirements to a CSC, and will convey such modifications along with all supporting information to the HRD. After receipt of all necessary approvals, the HRD will convey the modified CSC to the consultant for execution. Copies of the modified and executed CSC will be sent to the FC for CNWRA distribution, as necessary.

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For the procurement of quality affecting services from a consultant, an appropriate quality requirements statement to the effect of the following is required: "Work/Activities performed by XXX (Consultant Name) shall be governed by the CNWRA QA system; which includes CNWRA QA indoctrination and QA training if required. Consultant work products will be accepted based on an evaluation by the CNWRA PI and will be returned for rework, at your expense, if the product does not meet CNWRA requirements. If there are any QA-related questions, please contact CNWRA QA immediately."

- 4.11 Work by a consultant can begin after both parties have signed the CSC.
- 4.12 Before renewal of an existing CSC or in the event of a substantive change in the SOW, the process defined in subsections 4.5.1 or 4.6.1 will be repeated. If a consultant works continually for the CNWRA, the potential for a COI will be reevaluated annually.

5. RECORDS

General contract documentation, including but not limited to CSC documents, is retained by SwRI for a duration of 6 yr, as required by all cognizant audit agencies and the current audit organization. The CNWRA will maintain a duplicate set of materials for the use by its staff.

ATTACHMENT 1

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES

MEMORANDUM

TO: Source Evaluation Committee

FROM:

SUBJECT: Consultant Services Contract for [Name of Consultant]

DATE:

I have reviewed the attached information and have evaluated the qualifications of [Name of Consultant] and that person's availability to perform work on behalf of the CNWRA. I have concluded that [Name of Consultant] has no Conflict of Interest and is qualified to execute the attached statement of work.

The attachments to this memorandum provide information required by SwRI OPP Section 5.4.1 and information required by CNWRA Administrative Procedure AP-006.

Please review this information and determine if we may use [Name of Consultant] on CNWRA work. If approved, please sign below.

APPROVED:

President, CNWRA

Date

ATTACHMENT 2

SUPPORT FOR CONSULTANT SERVICES CONTRACT REQUEST

CONSULTANT:

RATE (dollars/hour):

PERIOD OF PERFORMANCE:

STATEMENT OF WORK:

ESTIMATED UTILIZATION (hours):

PRIOR WORK EXPERIENCE WITH SwRI/CNWRA:

PROGRAMMATIC NEED FOR CONSULTANT WORK:

LIST OF ELIGIBLE CONSULTANTS/SUBCONTRACTORS CONSIDERED:

RATIONALE FOR SOLE/SINGLE SOURCE SELECTION:

RATIONALE FOR NOT USING SwRI RESOURCES:

PROJECT NUMBER(S):

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Title

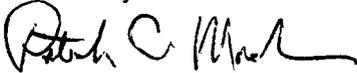
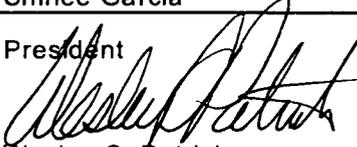
OBTAINING CONSULTANT SERVICES

EFFECTIVITY

Revision 5 of this procedure became effective on 06/02/2003. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change No.</u>	<u>Date Effective</u>
All	0	06/02/2003

Supersedes Procedure No. AP-006 Revision 4, Change 0

Approvals			
Written by  Patrick C. Mackin	Date 6/2/2003	Concurrence Review  Shirlee Garcia	Date 6/2/03
Quality Assurance  Bruce Mabrito	Date 6/2/2003	President  Wesley C. Patrick	Date 6/2/2003

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AP-006 OBTAINING CONSULTANT SERVICES

1. INTRODUCTION

A consultant may be contracted to augment the work of Center for Nuclear Waste Regulatory Analyses (CNWRA) core staff on behalf of the U.S. Nuclear Regulatory Commission (NRC) or other clients. Consultants are selected in accordance with the applicable sections of Southwest Research Institute® (SwRI®) "Operating Policies and Procedures" (OPP), "Compliance Program," and "Technology Control Plan."

In addition, the CNWRA must determine the immigration status of a prospective consultant to properly control access to classified, sensitive unclassified, and export controlled information and items. The CNWRA will coordinate this determination with the SwRI Legal Department (LD), Security Department (SD), and the Human Resources Department (HRD). The LD, however, will make the final determination relative to foreign national status and eligibility for participation in the conduct of CNWRA activities in behalf of the NRC.

The use of consultants benefits the CNWRA in three ways. First, the timely acquisition of consultants and application of their technical expertise to the work in a particular CNWRA element and/or project will facilitate the accomplishment of contract deliverables within established fiscal and schedule constraints. Second, access can provide in-depth technical support not resident with the core staff. Third, the CNWRA can benefit from choosing consultants from socially and economically disadvantaged as well as highly underutilized business groups, which is encouraged as part of government contract provisions.

Selection of a consultant is based on applicable criteria including (i) demonstrated competence and ability in the areas required, (ii) freedom from any personal or organizational conflict-of-interest (COI), (iii) compliance with the CNWRA quality assurance (QA) program requirements, (iv) immigration status (to the extent that it affects access to information and items), and (v) need to augment CNWRA and/or SwRI labor resources to complete the work in a timely and cost-effective manner.

2. PURPOSE AND SCOPE

This procedure applies to all consultant services acquired by the CNWRA to conduct activities under a new Statement of Work (SOW). Minor modifications of existing SOWs (e.g., increasing the number of tests or analyses, extending the period of performance, or other administrative changes while maintaining the same technical scope of work) do not require use of this procedure.

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The development, preparation, and award of a Consultant Services Contract (CSC) requires the interaction of CNWRA, SwRI, and, if necessary, the associated client staff. This procedure provides the methodology for securing the required consultant services, which are defined in each CSC.

3. RESPONSIBILITY

- 3.1 A CNWRA Element Manager (EM), Principal Investigator (PI) or staff member is responsible for identifying the need for technical or other services and documenting the need in the form of a SOW.
- 3.2 The CNWRA Financial Clerk (FC) is responsible for soliciting proposals and statements of capabilities from potential consultants. In addition, the FC will prepare and distribute a source evaluation package as well as monitor the progress of this package through the evaluation and selection process. The FC with the cooperation of the Director of Quality Assurance (DQA) and/or the Director of Administration (DA) will coordinate the submission of all documentation concerning the use of foreign national consultants in CNWRA activities with the LD and SD. See Introduction. After the package has been returned to the FC, he/she will forward this information to the SwRI Human Resources Department (HRD).
- 3.3 The CNWRA DQA is responsible for determining the need for and including the appropriate quality requirements in any CSC and conducting a Source Evaluation Committee (SEC) meeting in accordance with Section 4.5.5 or 4.6.5 of this procedure.
- 3.4 The CNWRA DA is responsible for assuring that the SwRI HRD, the consultant, and other concerned parties identified in Section 2 of this procedure have the necessary information to process, execute, and implement each CSC.
- 3.5 The SEC comprises the CNWRA President, Technical Director, Director of Administration, Assistant Director for Systems Engineering and Integration; Director of Quality Assurance, and the cognizant Element Manager, or their appropriate representatives.
- 3.6 The HRD (described in the SwRI Operating Policies and Procedures (Section 2.1.7) is responsible for reviewing all SwRI staff requests for consultants, obtaining the necessary approvals, executing the CSC, and maintaining a file on all active and terminated consultants.

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3.7 The SwRI LD is responsible for writing contract clauses to be included in the CSC as well as approving the CSC for foreign nationals providing consulting services to CNWRA.

3.8 The consultant is obligated to advise the CNWRA of their intent to pursue future work that could cause a COI, and obtain approval prior to proceeding.

4. PROCEDURE

This procedure will be followed for the determination of need, identification of possible consultants, solicitation of proposals from potential consultants, selection of eligible consultants, award of a CSC, and retention of records. A flow chart of this process is shown in Figure 1.

4.1 A CNWRA EM, PI or staff member will identify the need for technical or other services. They will determine the need for external labor, and assess the availability and technical competence of CNWRA staff to meet that need. If available and technically competent, CNWRA staff will be used and priorities adjusted, in cooperation with other EMs and the Technical Director (TD), as necessary to accomplish the anticipated work.

4.2 If no CNWRA staff are available, the EM, PI, or staff member responsible for identifying the need for technical or other consulting services will prepare a formal SOW describing the nature and scope of the work to be performed, the type of resources (labor, equipment, and facilities) to be used in the conduct of the work, the approximate period of performance for such work, a list of deliverables and corresponding dates for such deliverables, and any immigration status or security requirements associated with the work.

4.3 Through the use of the Program Development Office "Telephone Referral List" or the HRD "SwRI Skills Bank" or other method, determine whether SwRI has the available labor and other resources to complete the work defined in the SOW in a timely and cost-effective manner. If SwRI resources are located, engage them to undertake the work, after conducting the requisite COI reviews.

4.4 If appropriate CNWRA or SwRI resources are not available, consultants or subcontractors who have the requisite skills and do not have any individual or organizational COI in the areas of work indicated in the SOW, and whose immigration status and security clearance are consistent with the planned work may be tasked to accomplish the work. If subcontracting is the preferred method of accomplishing the work, see AP-005, Obtaining Subcontract Services.

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- 4.5 Sole Source—If appropriate, a “sole source procurement” may be initiated. Sole source procurement actions must comply with SwRI requirements.
- 4.5.1 To initiate a sole source procurement, the EM will request the FC to send the formal SOW, including any pertinent requirements, to the prospective consultant. Documentation accompanying the SOW will include a CNWRA COI Questionnaire for the individual who may be utilized by the CNWRA, or a similar list of questions prepared by the EM to address the COI issues pertinent to the potential work, a sample “Freedom from COI letter” adapted by the EM to address non-NRC work if required, a copy of AP-001 (Evaluation of Potential Conflict of Interest), and a letter requesting the proposed hourly labor wage rate for the consultant’s labor and a detailed cost estimate or total cost estimate to fulfill the SOW requirements. In addition, the FC will coordinate determination of a prospective consultant immigration status and any applicable security clearances with the LD and SD, respectively.
- 4.5.2 The prospective consultant will respond with a statement of capabilities. After receipt of this material by the FC, it is checked for completeness. If acceptable, it is forwarded to the cognizant EM.
- 4.5.3 If satisfied that the consultant has satisfactorily provided all information and data in response to the SOW, the EM will assemble a comprehensive information package for the proposed consultant including a cover memorandum to the SEC (see Attachment 1) along with the Supporting Analysis for Procuring Consultant Services providing the information necessary to prepare a CSC (see Attachment 2). The EM will (i) identify the proposed consultant; (ii) document labor rate(s) or cost in U.S. dollars per hour and period of performance; (iii) provide the detailed SOW, quality requirements, and expected hours to be utilized; (iv) verify prior consultant work experience with SwRI and CNWRA, if any; (v) demonstrate the programmatic need for such consultant work; (vi) provide a list of eligible consultants considered for this work; (vii) give the rationale for sole or single source selection (if applicable); (viii) offer the rationale for not using SwRI resources; (ix) analyze compliance with appropriate COI requirements; (x) address any immigration status and security clearance matters; and (xi) indicate the project numbers, if feasible.
- 4.5.4 The DQA will receive the package from the EM, via the FC, review it for completeness, and have sufficient copies made for use by the SEC.
- 4.5.5 At a meeting of the SEC, this documentation will be reviewed to determine whether (i) the justification for the sole source procurement is adequate, (ii) the skills of the proposed consultant are sufficient to accomplish the SOW, (iii) the consultant is free from potential COI, and (iv) the LD and/or SD have completed assessing the immigration status and the need for any security clearances.
- 4.5.6 Proceed with step 4.7.

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- 4.6 Competitive Procurement—If possible, the required services should be obtained using a competitive approach. Competitive procurement is always preferred for new SOWs, whether the consultant is new or currently conducting other work for the CNWRA.
- 4.6.1 To initiate a competitive procurement, the EM will request the FC to send the formal SOW to the prospective consultant. Documentation accompanying the SOW will include a CNWRA COI Questionnaire for the individual who may be utilized by the CNWRA, or a similar list of questions prepared by the EM to address the COI issues pertinent to the potential work, a sample "Freedom from COI letter" adapted by the EM to address non-NRC work if required, a copy of AP-001 (Evaluation of Potential Conflict of Interest), and a letter requesting the proposed hourly labor wage rate for the consultant's labor and a detailed cost estimate or total cost estimate to fulfill the SOW requirements. In addition, the FC can request necessary immigration information and data as well as security clearance information to support a determination whether the consultant is eligible to perform technical assistance and research programs in behalf of the CNWRA.
- 4.6.2 The FC receives the bids or proposals from the prospective consultants. The FC will coordinate any suspected issues or problems with immigration information and/or security clearance requirements with the LD and SD, respectively. If all information and data in Section 4.6.1 is complete and is in accordance with this procedure, the EM shall prepare a package for review and action by the SEC.
- 4.6.3 The EM will assemble a comprehensive information package for the proposed consultant including a cover memorandum to the SEC (see Attachment 1) along with the Supporting Analysis for Procuring Consultant Services providing the information necessary to prepare a CSC (see Attachment 2). For the proposed procurement of services, the EM will (i) provide the detailed SOW, including any pertinent security requirements, quality requirements, and expected hours to be utilized; (ii) document the period of performance; (iii) demonstrate the programmatic need for such consultant work; (iv) offer the rationale for not using SwRI resources; (v) provide appropriate COI and Immigration information; and (vi) indicate the project numbers, if feasible. For each consultant responding to the request for proposals, the EM will summarize (i) the rate or cost in U.S. dollars per hour; (ii) verify prior consultant work experience with SwRI and CNWRA, if any; and (iii) identify any capabilities, facilities, or other factors that distinguish the individual consultant from the other responders to the SOW.
- 4.6.4 The DQA will receive the package from the EM, via the FC, review it for completeness, and have sufficient copies made for use by the SEC.
- 4.6.5 The SEC will select the consultant using selection criteria based on the requirements defined in the SOW and the need to find the most cost-effective and suitable consultant for the proposed work.

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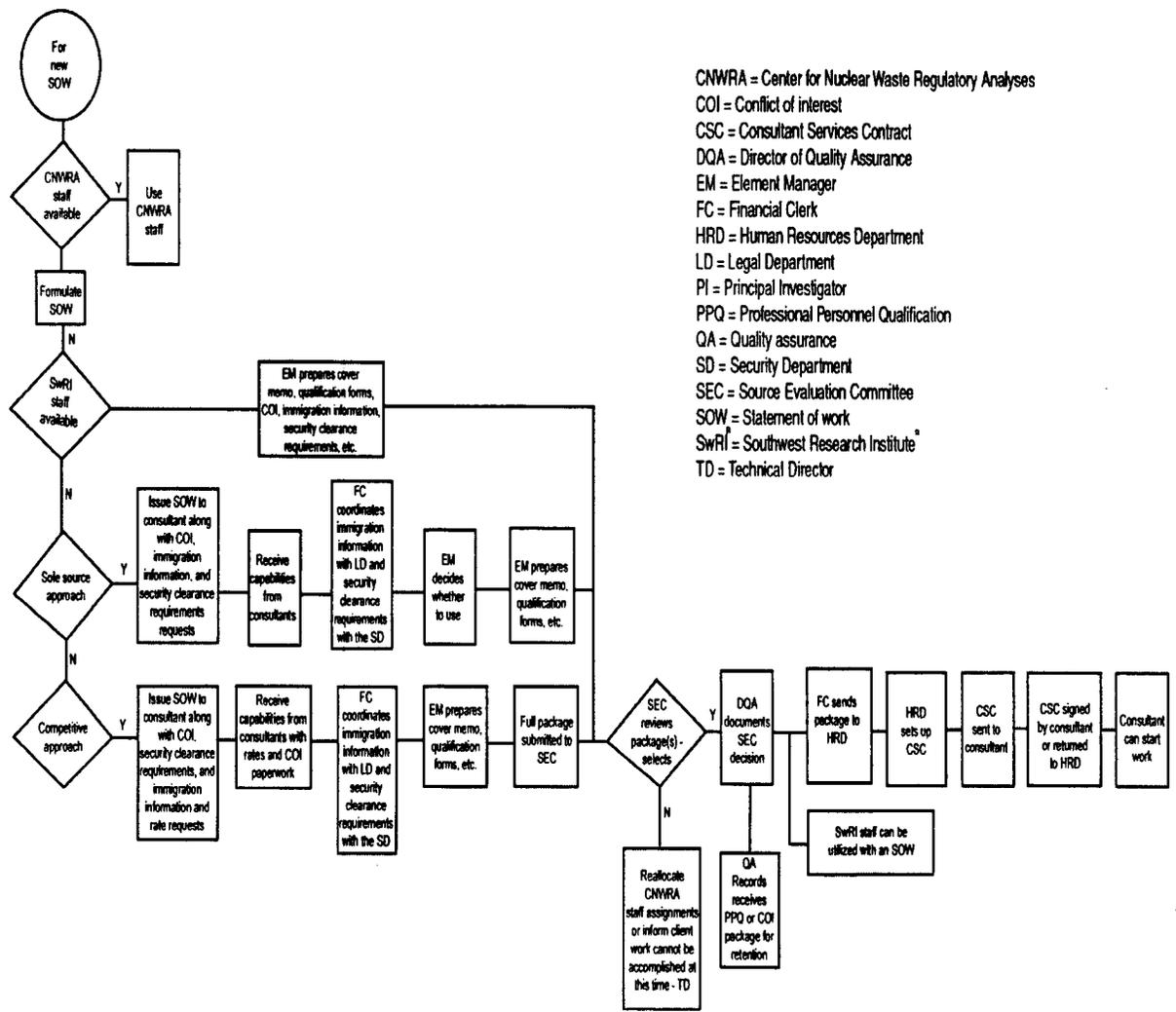
- 4.7 If the SEC decides that none of the proposed consultants is appropriate, it may instruct the EM, in collaboration with the TD, to reallocate CNWRA staff, or inform the CNWRA client that the work cannot be accomplished. When the consultant is approved by the SEC, the DQA will promptly document the decision and send a memorandum to the FC, the HRD, and each member of the SEC. The original copy of the DQA documentation will be retained as a QA Record.
- 4.8 The DQA will send all related materials to the FC, who will assist in generating an SwRI Form E-11 on the consultant to convey information to the HRD, using the same SOW as reviewed by the SEC. The HRD will process the signed and dated Form E-11 and prepare the CSC for execution by the consultant.
- 4.9 The HRD, after receipt of an approved Form E-11 with all accompanying paperwork from the CNWRA, will review the file to assure independent contractor status, obtain SwRI management approval, assure compliance with SwRI Operating Policies and Procedures, execute the CSC with the selected consultant, and maintain a file on all active consultants. After receipt of the executed CSC, the HRD will forward one copy of the documentation to the FC, who will notify the cognizant EM.
- 4.10 The DA will monitor any CSC language modifications, including quality requirements to a CSC, and will convey such modifications along with all supporting information to the HRD. After receipt of all necessary approvals, the HRD will convey the modified CSC to the consultant for execution. Copies of the modified and executed CSC will be sent to the FC for CNWRA distribution, as necessary.

For the procurement of quality affecting services from a consultant, an appropriate quality requirements statement to the effect of the following is required:
"Work/Activities performed by XXX (Consultant Name) shall be governed by the CNWRA QA system; which includes CNWRA QA indoctrination and QA training if required. Consultant work products will be accepted based on an evaluation by the CNWRA PI and will be returned for rework, at your expense, if the product does not meet CNWRA requirements. If there are any QA-related questions, please contact CNWRA QA immediately."

- 4.11 Work by a consultant can begin after both parties have signed the CSC.
- 4.12 Before renewal of an existing CSC or in the event of a substantive change in the SOW, the process defined in Sections 4.5 or 4.6 will be repeated. If a consultant works continually for the CNWRA, the potential for a COI will be reevaluated annually.

5. RECORDS

Consultant documentation shall be retained in accordance with the requirements of Quality Assurance Procedure QAP-012.



CNWRA = Center for Nuclear Waste Regulatory Analyses
 COI = Conflict of interest
 CSC = Consultant Services Contract
 DOA = Director of Quality Assurance
 EM = Element Manager
 FC = Financial Clerk
 HRD = Human Resources Department
 LD = Legal Department
 PI = Principal Investigator
 PPQ = Professional Personnel Qualification
 QA = Quality assurance
 SD = Security Department
 SEC = Source Evaluation Committee
 SOW = Statement of work
 SwRI = Southwest Research Institute
 TD = Technical Director

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Figure 1. Consultant Acquisition Flowchart

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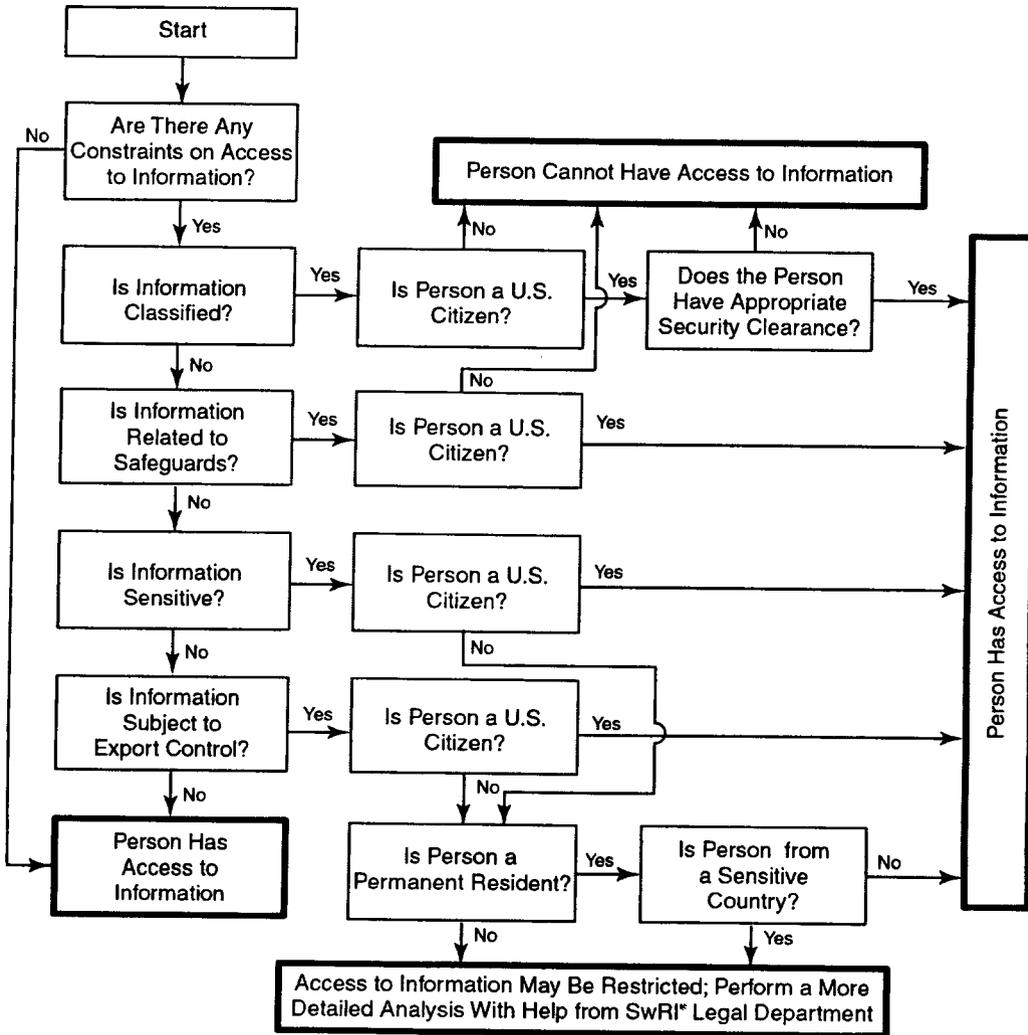


Figure 2. Evaluation of Access to Information by Staff, Consultants, and Subcontractor Persons

ATTACHMENT 1

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES

MEMORANDUM

TO: Source Evaluation Committee

FROM:

SUBJECT: Consultant Services Contract for [Name of Consultant]

DATE:

I have reviewed the attached information and have evaluated the qualifications of [Name of Consultant] and that person's availability to perform work on behalf of the Center for Nuclear Waste Regulatory Analyses (CNWRA). This evaluation included:

- Rate (Dollars/hour)
- Period of Performance
- Statement of Work
- Estimated Utilization (Hours)
- Conflict of Interest Evaluation of Work Past, Current, and Future
- Self-evaluation of Work
- Assumed Regulatory Position
- Position of Regulatory Advocacy
- Original Research
- Methodologies
- Technical Criteria
- Former U.S. Nuclear Regulatory Commission Employee Status
- Citizenship and Immigration Status
- Export Control and Security Requirements
- Prior Contractor Work Experience with Southwest Research Institute (SwRI) and CNWRA
- Impact of Not Using Consultant
- Programmatic Need for Consultant Work
- List of Eligible Consultants and Subcontractors Considered
- Rationale for Sole and Single Source Selection
- Rationale for Not Using SwRI Resources
- Project Number(s)

I have concluded that [Name of Consultant] has no Conflict of Interest and is qualified to execute the attached statement of work.

The attachments to this memorandum provide information required by SwRI Operating Policies and Procedures Section 5.4.1, Evaluation of Potential Conflict of Interest AP-001, and information required by CNWRA Administrative Procedure AP-006.

Please review this information and determine if we may use [Name of Consultant] on CNWRA work. If approved, please sign below.

APPROVED:

Wesley C. Patrick
President, CNWRA

Date

ATTACHMENT 2

Supporting Analysis for Procuring Consultant Services

CONSULTANT:

RATE (Dollars/hour):

PERIOD OF PERFORMANCE:

STATEMENT OF WORK:

ESTIMATED UTILIZATION (Hours):

CONFLICT OF INTEREST EVALUATION OF WORK:

Past:

Current:

Future:

SELF-EVALUATION OF WORK:

ASSUMED REGULATORY POSITION:

POSITION OF REGULATORY ADVOCACY:

ORIGINAL RESEARCH:

METHODOLOGIES:

TECHNICAL CRITERIA:

FORMER U.S. NUCLEAR REGULATORY COMMISSION EMPLOYEE STATUS:

CITIZENSHIP AND IMMIGRATION STATUS:

EXPORT CONTROL AND SECURITY REQUIREMENTS:

PRIOR CONTRACTOR WORK EXPERIENCE WITH SwRI AND CNWRA:

IMPACT OF NOT USING CONSULTANT:

PROGRAMMATIC NEED FOR CONSULTANT WORK:

LIST OF ELIGIBLE CONSULTANTS AND SUBCONTRACTORS CONSIDERED:

RATIONALE FOR SOLE AND SINGLE SOURCE SELECTION:

RATIONALE FOR NOT USING SwRI RESOURCES:

PROJECT NUMBER(S):

SAMPLE