**Ohio Department of Transportation**

**Consultant Waiver Request**

**Potential Conflict of Interest**

**Reference:** **Specifications for Consulting Services, 2016 Edition – Sections 2.15 through 2.18; FAR 2.101, 9.504(a); OAC 4733.35-05; 23 CFR 636.116(a)(1); 40 CFR 1506.5(c) (as amended)**

**Date of Request:**

**Consultant Name:**

**Project Information**

Project Designation (C-R-S):

PID No.:

Construction Project No.:

**Description of Services Provided to the Department**

 Agreement Number:

 Consultant’s Role (Prime Consultant or Subconsultant):

 Description of Services Provided:

 Current Status (Describe whether services are completed or ongoing):

**Description of Services Proposed to be Provided to Another Party**

 Name of Party:

 Party’s Role in Project:

 Description of Services to be Provided by the Consultant:

**Explanation Concerning Conflict Mitigation:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Consultant CEO or Director Date

**DECISION:**

\_\_\_\_\_\_\_\_ **Waiver granted**, subject to the terms and conditions stated above, based on my determination, made in accordance with applicable law, that the disclosed interests are not so substantial as to be deemed likely to affect the integrity of the Project.

\_\_\_\_\_\_\_\_ **Waiver denied**.

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Jack Marchbanks, Ph.D. Date

Director

**Waiver Procedures and Guidance**

1. Reference: Specifications for Consulting Services, 2010 Edition – Sections 2.15 through 2.18; FAR 2.101, 9.504(a); OAC 4733.35-05; 23 CFR 636.116(a)(1); 40 CFR 1506.5(c) (as amended)
2. Waiver Requests shall be directed to Lindsey Pflum of the Office of Consultant Services by email (lindsey.pflum@dot.ohio.gov) or mailed to: Ohio Department of Transportation, Office of Consultant Services, 1980 West Broad Street, Mail Stop 4100, Columbus, Ohio 43223. Attn: Lindsey Pflum. Provide a copy to the Planning and Engineering Administrator of the relevant District Office/Central Office.
3. Supporting narrative shall be provided for each section: Project Information, Description of Services Provided to the Department, Description of Services Proposed to be provided to Another Party and Explanation Concerning Conflict Mitigation. The narrative and details shall provide information at a level of detail that will allow someone not familiar with the project or services to understand the request without additional research. The explanation concerning conflict mitigation shall address the potential conflicts identified in the reference documents listed in No. 1) above.
4. Upon receipt of a request for waiver, Consultant Services will review the request for completeness and request input from the affected District Office/Central Office. Additional information may be requested from the Consultant.
5. After completion of the initial review by the District/Central Office and additional support provided by the Consultant, if any, Consultant Services will either convene a meeting of the Director’s Conflict of Interest Waiver Review Committee (“CIWRC”) or email the information to those members for review and action. The five CIWRC members are appointed by the Director consisting of the Deputy Director Division of Engineering, Administrator of the Office of Contract Sales, Administrator of the Office of Consultant Services, District Deputy Director, based on project location and the District Capital Program Administrator, based on project location.
6. For projects identified as Major Projects (total value in excess of $500 million) any Conflict of Interest Waiver request will be forwarded to the FHWA Ohio Division for review and concurrence.
7. Upon completion of the review and consideration of any additional information submitted, the CIRWC will issue a final determination on the requested waiver in a written decision. The CIWRC may: (1) Grant the Waiver; or (2) Deny the Waiver.
8. The written decision of the CIWRC will be provided to the consultant within seven (7) days of completion of the Review, except in the case of Major Projects in which FHWA approval may exceed this timeframe.
9. Denial of a waiver request may be appealed through the Director’s Consultant Resolution Board.