



**ATTACHMENT 9.2.1 (12509-SPD EIS SOP)
Conflict of Interest Disclosure Form
(Consulting Firm/Corporation/Company)**

1. CONFLICT OF INTEREST DECLARATIONS

Pursuant to the Council on Environmental Policy’s regulations concerning the National Environmental Policy Act at 40 CFR §1506.5(c) for an Environmental Impact Statement (EIS) for _____ (“Project”) in _____ County, _____ [State], I hereby certify on behalf of _____ (“Corporation”), as _____ Contractor, the Corporation does not have, and has not had, any financial or other interests in the outcome of the Project under development, nor any vested interest in the proposed future development in the Project area, nor any financial or other interests in other related developments undertaken by _____ or any potential developers, local governments, or other public Agency(s); nor any financial or other interests in any mitigation that may be developed in relation to the Project.

The Corporation has worked for, or is currently working for _____ on the following project(s) (include any foreseeable, upcoming project(s):

in the following capacity:

Explain why the work on the above listed project(s) would not (or should not) influence the Corporation’s ability to objectively participate with the EIS team (attach additional sheets if necessary).

I certify on behalf of the Corporation, the Corporation will provide copies of all original surveys, data, reports, or other documentation received or prepared by any of the consultants that pertain to the Project, or immediately surrounding property, to the Lead Agency(s). Further, all such environmental documentation, intended for submittal as part of the EIS, once it reaches a stage suitable for review, will be forwarded concurrently to the Lead Agency(s) (U.S. Army Corps of Engineers and _____), other EIS consultants, and the stakeholders’ representatives (unless specified otherwise by the Lead Agency(s)). This will ensure all work

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produced by EIS consultants is given directly to the Lead Agency(s), and will not receive any editing, interpretation, or other alteration by a person or entity, prior to its submission.

2. CONFIDENTIALITY OF INFORMATION

By signing this Agreement or serving on the EIS team, the Corporation agrees to use reasonable care to hold in confidence and not disclose any proposals, competitive technical information, and competitive cost or price information submitted to the Lead Agency(s) that are identified as "proprietary" or "trade secret" or otherwise "confidential." The Corporation agrees to use such proprietary or confidential information only for the purpose of supporting the preparation of the EIS, and will not make independent use of or publish or release any such information except to the extent necessary to accomplish the work of the Lead Agency(s).

Proprietary, trade secret, or confidential pricing and technical information does not include information which is published or otherwise in the public domain through no fault of the receiving party; can be demonstrated by the receiving party to have been in its possession prior to receipt through the preparation of the EIS; is obtained by the receiving party without restriction from a third party; is independently developed by the receiving party by individuals who have not had either direct or indirect access to such information; or is disclosed by the receiving party to a third party with the written approval of the disclosing party without any restriction. The Corporation shall not be liable for disclosure of any information that is obligated to be disclosed by order of a court of competent jurisdiction. Corporation shall not be liable for accidental or inadvertent disclosure or use of proprietary or confidential information received during the environmental review process if such Corporation shows that he or she employed the standard of reasonable care stated herein in protecting and handling such information, and that the Corporation made reasonable efforts to retrieve any such accidentally or inadvertently disclosed information and took additional measures to reasonably prevent any further unauthorized disclosure and use of the proprietary or confidential information.

3. CERTIFICATIONS

I hereby acknowledge that I have read and understand the above and do certify that I will comply with these requirements.

Signed: _____

Date: _____

Title: _____