

**SECTION J
ATTACHMENTS**

Attachment 25

Captain Interview Questions

Tripid _____

Date of Trip(s) _____ Date of Interview _____

Vessel Name _____

Operator Name _____

Was the observer on time?	Y	N
Did the observer clearly explain his/her duties to you?	Y	N
Did the observer give you the Observer Duties Sheet?	Y	N
Did the observer explain their duties in regards to incidental takes of marine mammals, turtles and sea birds?	Y	N
Was there a marine mammal, turtle or seabird caught during this trip?	Y	N
Did the observer measure the gear (i.e. codend if this is a trawl trip)?	Y	N
Did the observer weigh the catch?	Y	N
Did the observer take lengths (or shell heights) and biological samples (if required) from the catch?	Y	N
Did the observer wear their PFD (life vest) while on deck?	Y	N
Did the observer hinder your operations in any way?	Y	N
Did the observer get along well with you and your crew?	Y	N
Is the observer welcome on your vessel again?	Y	N
Did the observer offer the captain a comment card?	Y	N



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

SECTION J ATTACHMENTS

Attachment 26

Northeast Fisheries Observer Program Policies Observer Performance Monitoring, Review, Probation and Decertification

Monitoring Data Quality:

The Northeast Fisheries Observer Program (NEFOP) holds monthly Data Quality (DQ) meetings to review all aspects of the programs data quality. One of the key elements of these meetings is for the Data Quality Lead, Data Editors and various NEFOP staff to discuss performance of individual observers. Editors summarize observer data quality, including submission errors, communications, timeliness, and following sampling guidelines. Their feedback is presented to the Data Quality Lead for review and discussion.

Pre-Probation:

If the Data Quality Lead finds that there are significant issues with the performance and/or data submitted by an observer, s/he will provide to the Area Leads (Northeast, Mid-Atlantic and Groundfish) and the Branch Chief a written record of the issues and recommend that the individual be monitored for pre-probation. Reasons for pre-probation could include: poor data collection, not understanding nor adhering to NEFOP protocols, and not contacting their editor in a timely manner. The Data Quality Lead will refer their findings in writing (e-mail) to the Branch Chief who will then submit the memo in writing (e-mail or letter) to the Observer Contract COTR to ensure that the Program Manager, Area Coordinator(s), and the observer are notified of the issues and concerns. Additionally, the Data Quality Lead will be the first to inform the observer, by phone or in person, that they have been placed on pre-probation and explain their pre-probation plan to them. At this time, the observer will discontinue trips until they are notified by the Data Quality Lead. Additionally, the observer will be required to attend an in-person debriefing at Falmouth Technology Park or an alternative agreed upon location. The observer may be required to take two or more pre-probationary trips. After each trip, the observer will have to wait to continue to take anymore trips until they have been debriefed by their editor. The Data Quality lead will send an e-mail to the Program Manager and the Area Coordinator when the observer is approved to continue. If there is no discernible improvement in the observer's performance within the first two trips after they have been notified of their pre-probationary status, probation will be recommended. The observer's pre-probationary trips will not be coded as training trips in the database. The two pre-probationary trips should take place within 2 months after the observer has been informed of their pre-probationary status. Situations that cannot meet these criteria can be dealt with on a case by case basis.

Probation:

If probation is recommended, the Data Quality Lead will provide a written memo to the Area Leads (Northeast, Mid-Atlantic, and Groundfish) and the Branch Chief explaining why the observer is recommended for probation. The Branch Chief will be notified who will then in turn, notify the Observer Contract COTR, the Program Manager, and the observer of their decision of the probationary action, in writing.

An emergency probationary may be invoked at anytime if there was reason to believe some egregious violation of procedures or protocols had been committed. This action will be carried out by the Branch Chief following discussions with Area Leads, and Data Quality Lead. The Branch Chief will notify the Observer Contract COTR, the Program Manager, and the observer of their decision in writing. Typically this is a short term probation pending an investigation as to the nature of the offense and may result in decertification and/or criminal charges. Once the Program Manager is made aware that the observer will be placed on probation, the Data Quality Lead will contact the observer to inform him/her of the decision. Once notified that s/he is on probation the observer shall cease conducting trips and schedule a debriefing at Falmouth Technology Park, or other agreed upon location. Prior to this meeting, a performance plan will be developed that will summarize the major issues the observer must improve upon before the end of their probationary status. It will also entail what types of trips (i.e., gear types and trip duration) the observer should go on. After the debriefing, three trips will be planned. Each individual trip must be completely reviewed and approved before the observer deploys on successive trips. If these three trips are deemed acceptable, the observer may continue taking trips in the standard manner. If the trips are deemed unacceptable or other errors have occurred the observer may be kept on probationary status for a longer period of time or may be decertified.

Once an observer is placed on probation he/she will not be eligible for the bonus during that quarter and their trips will be treated by the NEFOP as a priority trip for editing. The observers probationary trips will also be coded as they were intended (not training trips) in the database.

Decertification:

If there is no discernible improvement in the observer's performance during the three probationary trips, the observer will be decertified by the Branch Chief. Decertification will be communicated by written notification to the Observer Contract COTR, the Program Manager, and the observer. Once the Program Manager is made aware that the observer will be decertified, the Data Quality Lead will contact the observer to inform him/her of the decision. An observer will be decertified, regardless if they have been on probation or not, who fail to abide by the established standards of conduct and conflict of interest, or whose performance is determined to be unsatisfactory.

An observer will automatically be decertified for failure to conform to the Standards of Conduct signed during observer training. An observer will be decertified if they falsify data. Falsification is defined as: *The act of deliberately or knowingly fabricating data collected during observed fishing trips, this includes intentional recording of inaccurate data, intentional omission or deletion of data, intentional plagiarism, or, in general, the selective alteration of data.* The

decertification procedure is subject to appeal in writing from the observer to the Branch Chief. The Branch Chief's determination of decertification is final. Decertification would disqualify an observer from re-applying to work with the NEFOP. Any observers who are decertified will not be considered eligible for the bonus during the respective performance period.

Expiration of Certification:

If an individual has not completed an observed trip as a certified observer in the Northeast Fisheries Observer Program over a one-year period, their NEFOP certification will expire. To become recertified, a full three week NEFOP training is required.

Leave of Absence:

If an observer goes on a Leave of Absence (LOA) they must notify the COTR of the following information:

- Name of observer
- Expected start time of LOA
- Estimated duration of LOA

If the observer is going on an LOA for a month or more the contractor must collect the NMFS issued gear and Common Access Card (CAC) from the observer. They can either store the gear in their own facility or send to the NEFOP in Falmouth, MA. If the observer is expected to be gone for more than 6 months or the provider is unsure if the observer will be coming back to the program, they must complete an in-house exit interview that should be scheduled with the COTR. If that's the case, the gear and CAC will be returned to NMFS and stored until the observer returns from their LOA. Finally, for all observers who are leaving for over a month, they will be required to call into their editor before they deploy on a trip for a debriefing.

SECTION J ATTACHMENTS

IT SECURITY CHECKLIST

Information Security in Acquisition Checklist

Instructions:

This information security checklist with appropriate signatures must be completed for Information Technology (IT) acquisitions within the Department of Commerce (DOC). This represents a list of important or relevant actions (steps) that must be taken to ensure that security considerations were incorporated into IT acquisitions. You can assume that if the answer to a question does not redirect you to a new question further down the checklist, then you should proceed to the next question until you obtain the final concurrence signatures. Each checklist question should be addressed in coordination with the Acquisition team including: the Procurement Requestor from the program office, the Procurement Contracting Officer Technical Representative (COTR), OU Approved Program/ Requesting Office IT Security Officer, and Acquisition Contracting Official (CO).

Background:

Information Security is an important business process that should be considered in all phases of the acquisition process to ensure data and information technology systems are adequately protected against risk of loss, misuse, and unauthorized access. In accordance with the Federal Information Security Management Act (FISMA), contractor access to government information or government information technology (IT) systems requires compliance with the agency IT Security Policy. All information technology acquisitions must meet the requirements outlined in the Federal Acquisition Regulation (FAR) Part 39.101 (d) policy ensuring the use of common security configuration checklists in the management of risk. National Institute of Standards and Technology (NIST) defines a security configuration checklist (also called a lockdown, hardening guide, or benchmark) as a document that contains instructions for securely configuring an IT product for an operational environment or verifying that an IT product has already been securely configured. The National Checklist Program (NCP) is the U.S. government repository of publicly available security checklists that provide detailed guidance on setting the security configuration of operating systems and applications. The NCP, as defined by NIST SP 800-70 Revision 1, conforms to the Security Content Automation Protocol (SCAP) that enables numerous SCAP-validated security tools to automatically perform configuration checking using NCP checklists. Whenever feasible, organizations should apply checklists to operating systems and applications to reduce the number of vulnerabilities that attackers can attempt to exploit and to lessen the potential impact of successful attacks. *Note: The NCP checklists exclude equipment that is being acquired for specialized Research and Development (R&D) or scientific purposes.*

	System(s):	Date:
1	<p>Does this acquisition involve a hardware or software product purchase?</p> <p>Note: If the answer is No, then proceed to question 2.</p> <ul style="list-style-type: none"> • If the answer is Yes, then include appropriate clauses into the solicitation and contract to ensure this acquisition meets <u>2009 DOC ITSP</u> media sanitization requirements and FAR 39.101(d) regulations involving NIST common security configuration checklists, including Federal Desktop Core Configuration (FDCC) or United States Government Configuration Baseline (USGCB) initiative. Proceed to question 2. 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

2	<p>Will any personnel involved in this acquisition perform a function/role that requires access to a system(s) that processes non-public or sensitive DOC data? <i>For example, requiring a DOC e-mail account, system administrator access to a DOC system, vendor installation/maintenance, or contractor personnel operating system(s) that process DOC data.</i></p> <p>Note: If the answer is No, then proceed to question 3. If the answer is Yes, then Contracting Officials should work with the COTR to incorporate contract language from Commerce Acquisition Regulation (CAR) Final Rule 48 CFR 13, specifically:</p> <ul style="list-style-type: none">• Determine and document appropriate National Institute of Standards and Technology (NIST) Federal Information Processing Standards Publication (FIPS PUB) 199, <i>Standards for Security Categorization of Federal Information and Information Systems (FIPS-PUB-199-final.pdf)</i>, Security Categorization risk designation and assist in the coordination with DOC Office of Security (OSY) for personnel screenings, and staff from the OU IT Security Office. Insert the appropriate clauses into the contract. Select from:<ul style="list-style-type: none">• <u>Security processing requirements—high or moderate risk contracts.</u>• <u>Security processing requirements—low risk contracts.</u>• <u>Security processing requirements—national security contracts.</u>• <u>Foreign national visitor and quest access to departmental resources.</u>• Determine and document appropriate FISMA requirements to be met in the contract, and assist in the coordination with DOC Office of Security (OSY) for personnel screenings, and the IT Security Office involving <u>2009 DOC ITSP</u> requirements for a Security Authorization (C&A).• Take appropriate action, in consultation with the COTR, DOC Office of Security, and DOC Office of General Counsel, regarding the personnel screening forms.• Determine the appropriateness of allowing interim access to DOC IT systems pending favorable completion of a pre-employment check.• Incorporate appropriate clauses from CAR <u>1352.239-72 Security requirements for information technology resource</u> into the solicitation and contract to ensure that the requirements, such as annual IT security awareness training, are enforceable on contract personnel.• Take appropriate action, in consultation with your Privacy Officer, to ensure that the services, systems, and/or products being procured comply with existing privacy laws and policies regarding protection, maintenance, dissemination and disclosure of information.• In consultation with the Contracting Officer, make sure FAR and all other applicable clauses protecting personal privacy interests are included. (e.g. 48 CFR 24.104) <p>Proceed to question 3.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3	<p>Will this acquisition involve Government property located at an off-site contractor-controlled facility that will be used for transmitting, processing, and storing DOC data?</p> <p>If the answer is No, then proceed to question 4. If the answer is Yes, then include CAR 1352.239-72, <i>Security Requirements for Information Technology Resources</i>, into the solicitation and contract. Initiate the appropriate Security Authorization (C&A) of the contractor system(s) involved and include clauses to ensure this acquisition meets <u>2009 DOC ITSP</u> security requirements for transmitting, processing, and storing data. Proceed to question 4.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Information Security in Acquisition Checklist

4	<p>Will this acquisition involve a service level agreement? <i>For example, contractor maintenance on DOC system hardware or software, Software as a Service (SaaS), i.e., Cloud Computing, or External Data Storage or Contingency Emergency Back-up facility.</i></p> <p>Note: If the answer is No, then proceed to question 5.</p> <ul style="list-style-type: none"> If the answer is Yes, then initiate appropriate Security Authorization (C&A) of the contractor system(s) involved and include clauses to ensure this acquisition meets <u>2009 DOC ITSP</u> security requirements for transmitting, processing, and storing data, NIST Special Publication (SP) 800-37 Revision 1: <i>Guide for Applying the Risk Management Framework to Federal Information Systems: A Security Life Cycle Approach</i> (sp800-37-rev1-final.pdf) and SP 800-64 Revision 2, <i>Security Considerations in the Information System Development Life Cycle</i> (SP800-64-Revision2.pdf) involving nondisclosure of information. Ensure that data portability, data breach notification, and data disposal are considered in the contract. Insert clauses from Commerce Acquisition Manual (CAM) Chapter <u>1337.70</u>, <i>Personnel Security Processing Requirements for Service Contracts (Amended)</i>, into the contract. Proceed to question 5. 	Yes <input type="checkbox"/> No <input type="checkbox"/>
5	<p>Do you have any supplemental information to add to this checklist?</p> <p>Note: If the answer is No, then proceed to <i>Signatures</i> section below to obtain signatures. If the answer is Yes, then please attach appropriate supplemental information to this checklist and proceed to <i>Signatures</i> section below to obtain signatures.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Signatures:

By signing this checklist, the Contracting Officer is representing that operating unit information security management oversight and appropriate due diligence were considered for this acquisition process.

Procurement COR/COTR:

Name: <input style="width: 90%;" type="text"/>	Phone: <input style="width: 90%;" type="text"/>
Signature: <input style="width: 95%;" type="text"/>	
Date: <input style="width: 95%;" type="text"/>	

OU approved Program/Requesting Office IT Security Officer:

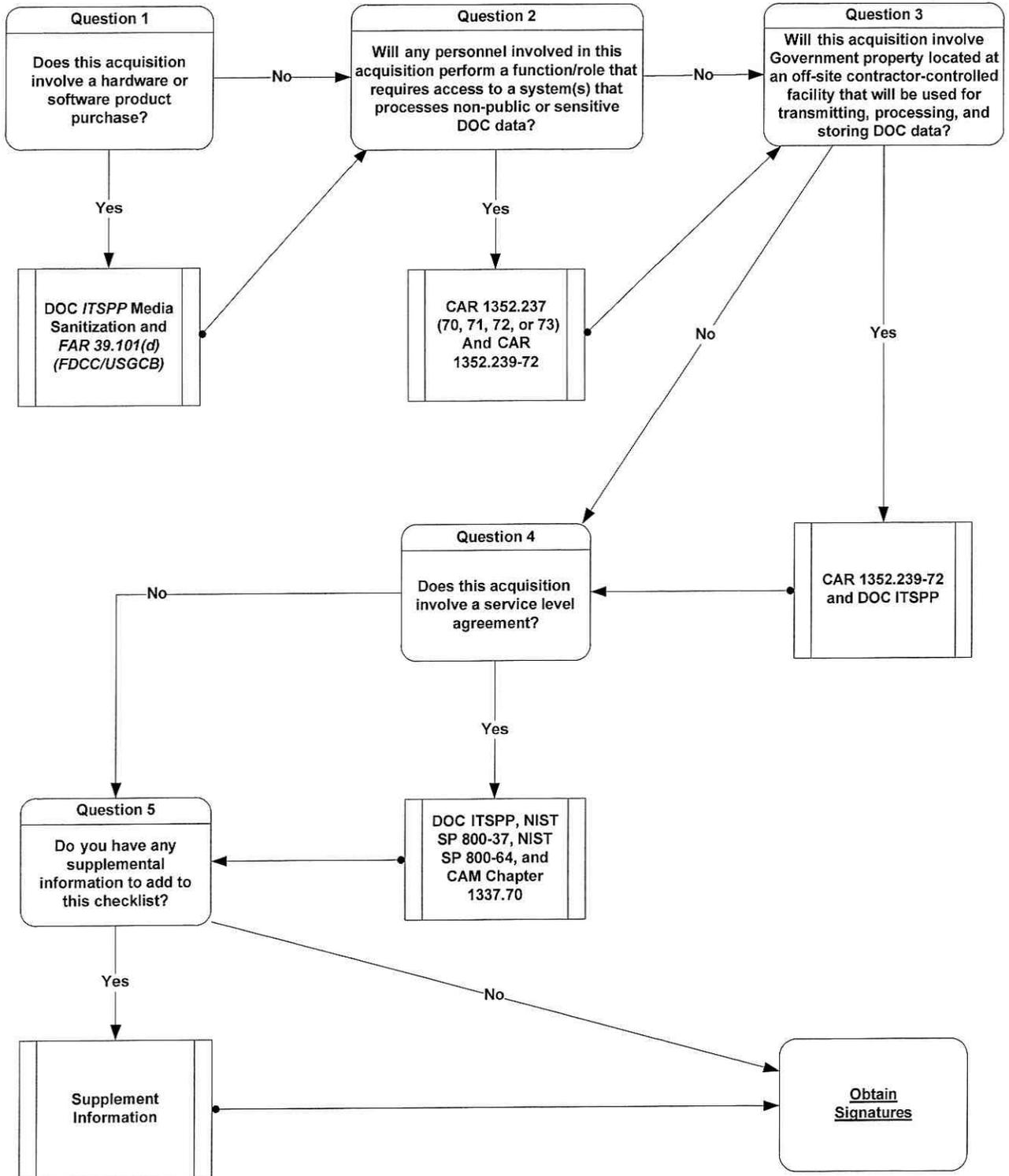
Name: <input style="width: 90%;" type="text"/>	Phone: <input style="width: 90%;" type="text"/>
Signature: <input style="width: 95%;" type="text"/>	
Date: <input style="width: 95%;" type="text"/>	

Contracting Officer:

Name: <input style="width: 90%;" type="text"/>	Phone: <input style="width: 90%;" type="text"/>
Signature: <input style="width: 95%;" type="text"/>	
Date: <input style="width: 95%;" type="text"/>	

Information Security in Acquisition Checklist

June 2010



References:

Commerce Acquisition Manual Chapter 1337.70: Personnel Security Processing Requirements for DOC Service (<http://oam.ocs.doc.gov/docs/CAM-1337-70-Personnel-Security-ProcessingRev061212.pdf>).

Commerce Office of Security (OSY) Manual of Security Policies and Procedures: (<http://home.commerce.gov/osy/SecurityManual/Security%20Manual%20Contents2.pdf>).

Federal Acquisition Regulation (FAR) Part 39.101 (d) Policy: Use of Common Security Configurations (<https://www.acquisition.gov/far/html/FARTOCP39.html> references NIST website <http://checklists.nist.gov>).

Federal Desktop Core Configuration (FDCC): OMB M-07-18, Ensuring New Acquisitions Include Common Security Configurations, <http://www.whitehouse.gov/OMB/memoranda/fy2007/m07-18.pdf>).

United States Government Configuration Baseline (USGCB): USGCB baseline initiative evolved from the Federal Desktop Core Configuration mandate (<http://usgcb.nist.gov/index.html>).

IT Security Program Policy: ([http://home.commerce.gov/CIO/ITSITnew/DOC%20 TSPP 2009 Final .pdf](http://home.commerce.gov/CIO/ITSITnew/DOC%20TSPP%202009%20Final.pdf)).

National Checklist Program (NCP): United States Government Repository of Publicly Available Security Checklists (<http://web.nvd.nist.gov/view/ncp/repository>).

NIST SP 800-37 Revision 1: Guide for Applying the Risk Management Framework to Federal Information Systems: A Security Life Cycle Approach, February 2010, (sp800-37-rev1-final.pdf).

NIST SP 800-64 Revision 2: Security Considerations in the Information System Development Life Cycle, Revision 2, October 2008, ([SP800-64-Revision2.pdf](http://sp800-64-revision2.pdf)).

NIST SP 800-70 Revision 1: National Checklist Program for IT Products - Guidelines for Checklist Users and Developers, September 2009, (sp800-70r1.pdf).

Security Content Automation Protocol (SCAP) Validated Products: <http://nvd.nist.gov/scapproducts.cfm>.

Version	Date	Revised by	Comment
2	4/2009	N. Gassama/A. Helzer	Updated to include OMB 07-18 FDCC requirements
2.1	8/2009	A. Helzer (OCIO)	Updated to include OIG comments
2.2	3/2010	A. Helzer (OCIO)	Updated to include OCIO and OAM comments
2.3	6/2010	A. Helzer (OCIO)	Updated to include OU comments
2.4	8/2010	A. Helzer (OCIO)	Updated to include OGC comments
2.4.1	8/2010	A. Helzer (OCIO)	Updated to remove reference to FAR Subpart 45.5 clause

We appreciate your continued efforts to make the Department's IT security posture more effective and efficient. If you have any questions, please contact ITSecurity at ITSecurity@doc.gov.

**SECTION J
ATTACHMENTS**

Attachment 28

**UNITED STATES OF AMERICA AUTHORIZATION FOR RELEASE OF
INFORMATION**

**Carefully read this authorization to release information about you, then sign and
date it in ink.**

I Authorize any investigator, special agent, or other duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retain business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, employment history, and criminal history record information.

I Understand that, for some sources of information, a separate specific release will be needed and I may be contacted for such a release at a later date.

I Authorize custodians of records and sources of information pertaining to me to release such information, upon request of the investigator, special agent, or duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I Understand that the information released by records custodians and sources of information is for official use by the Federal Government only, to determine my suitability to work as a contract employee, and may be re-disclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are valid as the original release signed by me. This authorization is valid for two (2) years from the date signed or for the duration of my contract employment as an observer supporting the _____ Observer Program

Signature (Sign in Ink):

Date Signed:

Full Name: _____

Other Names Used:

Social Sec. Number:

Current Address (Street, City, State, Zip Code):

Home Telephone Number (include area code): _____

SECTION J ATTACHMENTS

MEDICAL FITNESS REQUIREMENTS

The following document is a required to be used by the contractor when documenting and evaluating if an observer is fit for duty. The contractor is responsible for retaining these records in a manner that is consistent with all applicable state and federal laws.

Medical Questionnaire and Associated Information

Section A: Letter to physician from observer employer.
Section B: Observer health questionnaire
Section C: Emergency contact information.
Section D: Physician certifying observer fit for duty.

Section A: Letter to physician from observer employer

Dear Physician,

The attached Fisheries Observer Health Questionnaire form is to certify that the patient is physically fit to work as a fisheries observer on a domestic fishing vessel. As a physician, you should understand the observer's job and working conditions. Physical considerations include, but are not limited to:

- Being at sea with limited medical assistance for 1 to 14 days at a time.
- Being in heavy seas that could cause chronic motion sickness.
- Living in confined spaces for extended periods.
- Having the ability to tolerate stress.
- Lifting baskets up to 50 lb or moving 200 lb. carcasses across the deck.
- Ascending and descending steep ladders to and from fishing boats at the docks.
- Climbing across boats, over fishing gear, and atop wheelhouses to get to a docked vessel.
- Having irregular meals, sometimes with non-traditional food, cooked in non-traditional ways.
- Living on a boat with limited sanitary and/or washing facilities.
- Enduring hot and cold temperatures.
- Being subjected to cigarette smoke and diesel fumes.

Section B: Observer health questionnaire

Name:		
Last	First	MI
Program:		
Position:		
Birth Date:	Sex:	
Work Address:		
Phone:		
<u>HEALTH INFORMATION</u>		
General State of Health:		
Presently under the care of a physician?		
Physician's Name:	Physician's Phone Number:	
Month/Year of last Physical Exam:		
List current medications (prescription and non-prescription):		
1.		
2.		
3.		
4.		
List Allergies:		
	<u>Allergy</u>	<u>Reaction</u>
1.		

2.

3.

4.

List ALL active health problems:

1.

2.

3.

4.

Major Surgeries / Hospitalizations / Emergency Room Visits:

Year Reason

1.

2.

3.

4.

List Any Dietary Restrictions:

1.

2.

3.

4.

GENERAL SCREENING

As an adult, have you had or experienced?

	No	Yes		No	Yes
Cancer:			Severe Depression:		
Tuberculosis:			Paralysis:		

Asthma:			Epilepsy:		
Hepatitis:			Impaired Mobility:		
Chronic Cough:			Severe Hearing Loss:		
Coughed Up Blood:			Severe Visual Impairment:		
Recent unexplained gain or loss of 20 lbs or more			Periods of Unconsciousness:		
			Severe Motion Sickness:		

Explain any YES answers above:

CARDIAC SCREENING

As an adult, have you had or experienced?

	No	Yes		No	Yes	(and value if known)
Abnormal EKG:			Hypertension:			Recent reading:
Sedentary Life Style:			Diabetes:			HgA1C:

Family History of Heart Attack before age 45:			High Cholesterol:			Recent reading:
Heart Attack:			Tobacco Use:			Packs/day:
Shortness of Breath:			Prolonged Chest Pain:			
			Fainting spells/Syncope:			

Explain any YES answers above:

Your blood type _____ Medic alert tag? _____

Your usual blood pressure _____ Pulse rate _____

Height _____ Weight _____

Do you wear contact lenses? _____

List your corrected vision- Left eye _____ Right eye _____

Do you have color blindness? _____

Are you right handed or left handed? _____

Have you experienced any back injuries or back problems? If so, please explain below.

Have you experienced any mental condition or nervous breakdown? If so, please explain below.

Are you aware of any other medical conditions(s) that may affect your suitability for sea duty? No Yes If yes, please explain on the continuation page.

The information provided is complete to the best of my knowledge.

Signature:

Date:

MEDICALLY CLEARED FOR SEA DUTY BY HISTORY:

No Yes Need More Info

Examiner:

Date:

Section C: Emergency contact information.

EMERGENCY INFORMATION FORM

Name: _____

Employed By: _____

Address: _____

City: _____ State _____ Zip Code _____

Home Phone: _____ Cell Phone _____

In Emergency Notify:

Relationship: _____ Phone: _____

Address

City _____ State _____ Zip Code _____

Section D: Physician certifying observer fit for duty.

The purpose of this statement is to confirm that I, a licensed physician in the state of

_____ examined _____ an employee
of _____

_____ on the date noted below. He/she does not have any health problems or conditions that would jeopardize his/her safety or the safety of others while deployed as an observer. He/she does not have any health problems or conditions that would prevent him/her from performing his/her duties satisfactorily. Prior to the examination, I was made aware of the duties of the observer and the dangerous, remote and rigorous nature of the job.

Physician's Signature

Date

REGISTER OF WAGE DETERMINATIONS UNDER THE
SERVICE CONTRACT ACT

By direction of the Secretary of Labor

Diane C. Koplewski Division of Wage
Director Determinations

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION

WAGE AND HOUR DIVISION
WASHINGTON, D.C. 20210

Wage Determination No.: 2004-0287
Revision No.: 15
Date of Last Revision: 06/13/2012

Nationwide: All waters from the Gulf of Mexico at Texas past Florida and up the Eastern Seaboard - Atlantic Ocean to Maine

****Fringe Benefits Required Follow the Occupational Listing****

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
91401 - Fishery Observer I		15 .00
91402 - Fishery Observer II		16 .73
91403 - Fishery Observer III		18 .59

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.71 per hour or \$148.40 per week or \$643.07 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and

dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

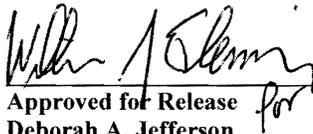
The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.


Approved for Release *for*
Deborah A. Jefferson
Deputy Chief Human Capital Officer and
Director for Human Resources Management

9-3-09
Date

**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN #103, FY09

SUBJECT: Policy and Guidance on Training for Non-Government Employees

EFFECTIVE DATE: Upon Release of this HR Bulletin

EXPIRATION DATE: Effective until canceled or superseded

BACKGROUND: Bureaus have inconsistently applied the training authority which grants limited access to on-line and traditional classroom training for contractors. The Office of Personnel Management's Training Policy Handbook provides guidance on training non-government employees which states the following: "Since contractors are selected for their expertise in a subject-area, contractors may only be trained in skills they are not required to bring to the job...." Bureaus, under the Department of Commerce, hire contractors based on the skill set which they possess that will aid in accomplishing a specific task. Therefore, the government is not authorized to pay for contractors to obtain additional training to enhance the skill set for which they were hired.

PURPOSE: The purpose of this HR Bulletin is to provide policy and guidance for the training of contractors hired by the Department of Commerce.

COVERAGE: This HR Bulletin applies to all contractors hired by the Department of Commerce and its bureaus.

DEFINITION: A contractor is a non-government employee who was hired with a specific skill set to accomplish an assigned task.

NEW REQUIREMENTS: Bureaus are authorized to allow contractors access to the Department's on-line and classroom training only in the event that the specific training is beyond the current skill set required to perform the assigned task. The Chief Training Officer for each bureau, in consultation with the Senior Bureau Procurement Official, will have the discretion to implement the policy established by the guidance in this bulletin. The Office of Human Resources Management will have Departmental oversight and enforcement of this bulletin.

To be authorized, the bureau must establish that the contractor must receive designated training to meet a knowledge or skill requirement specific to the organization/bureau. Contractors may

only be trained in rules, practices, procedures, and/or systems that are unique to the employing organization/bureau and essential to the performance of the Contractor's assigned duties (e.g., bureau computer security training). Bureaus must not directly provide contractors with professional development training or training to maintain or improve the technical skills for which they have been hired.

AUTHORITIES: The authority for training Contractors lies within the general authority of agencies to administer contracts. Training of Contractors is subject to the decision of the Senior Bureau Procurement Official.

OFFICE OF TRAINING AND KNOWLEDGE MANAGEMENT: Fred Lang, Director,
FLang@doc.gov, (202) 482-6302.



Organizational Conflict of Interest
Avoidance and Mitigation Plan
Regarding
Fisheries Observer Services
For the Northeast Fisheries Observer Program
(Contract No. EA133F-12-CQ-0014)

Qewqdt '34, 2012

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Organizational Conflict Of Interest Avoidance and Mitigation Plan

1. INTRODUCTION

1.1. Background and Purpose

MRAG Americas, Inc. ("MRAG Americas") provides scientific and technical consulting services for projects in aquatic resources management, including the operation of observer programs. MRAG Americas has offices located in St. Petersburg, Florida, Essex Massachusetts, Capitola, California, and Anchorage, Alaska.

On April 1, 2012, the National Oceanic and Atmospheric Administration ("NOAA"), on behalf of the Northeast Fisheries Science Center, awarded Contract No. EA133F-12-CN-0035 to MRAG Americas for the purpose of providing short-term fisheries observer services for the Northeast Fisheries Observer Program (the "Contract"). The period of performance of the Contract includes a base period of three months that expires on June 30, 2012, and an additional nine one-month option periods through March 31, 2013. Graeme Parkes, MRAG Americas' Vice President – Fisheries, has overall management responsibility for MRAG Americas' performance of the Contract.

The Contract includes conflict of interest provisions and is subject to the organizational conflict of interest ("OCI") provisions of Subpart 9.5 of the Federal Acquisition Regulation ("FAR").

NOAA has identified two areas in which MRAG Americas' relationships and activities give rise to a potential OCI. First, MRAG Americas is an accredited Conformity Assessment Body for assessing conformance of fisheries and fish handling entities with the certification standards of the Marine Stewardship Council ("MSC"). Through this accreditation, MRAG Americas provides assessment services to organizations seeking to obtain or maintain a fishery or chain-of-custody certification with MSC. These MSC assessment services include pre-assessments, fishery assessments, and chain-of-custody assessments. NOAA has determined that a potential impaired objectivity and bias conflict of interest arises if MRAG Americas provides fisheries observer services under the Contract to vessels that either (1) are owned by companies for which MRAG Americas provides MSC fishery assessments or pre-assessments, or chain of custody assessments; or (2) are owned by or sell seafood to companies for which MRAG Americas provides MSC chain-of-custody assessments.

Next, MRAG Americas is competing for the five-year follow on contract to provide fisheries observer services for the Northeast Fisheries Observer Program ("NEFOP") under Solicitation No. EA133F-11-RP-0153 ("NEFOP Solicitation"). In its performance of the Contract, MRAG Americas observer personnel will have access to certain non-public information that may be competitively useful. Specifically, observers have access to operational, financial, and economic information about vessels subject to observation under the NEFOP (defined more specifically below). NOAA has determined that a potential unequal access OCI arises unless MRAG Americas implements procedures to prevent access to this information by individuals involved in MRAG Americas' proposal in response to Northeast Observer/Monitor Solicitations.

The purpose of this OCI Avoidance and Mitigation Plan (the "OCI Plan") is to establish policies and procedures to avoid or mitigate the potential OCIs identified by NOAA. Specifically, this OCI Plan establishes procedures intended to avoid current and future MSC-related OCIs while MRAG Americas is performing the Contract and to promptly identify and mitigate MSC-related OCIs when they arise during MRAG Americas' performance of the Contract. It also establishes procedures to mitigate the potential

unequal access OCI by preventing the individuals involved in preparing MRAG Americas' proposal in response to Northeast Observer/Monitor Solicitations from having access to the vessel-related operational, financial, or economic data collected by observers under the Contract.

2. DEFINITIONS

2.1. MRAG Proposal Personnel

"MRAG Proposal Personnel" shall mean those personnel personally and substantially involved in the preparation, review, and submission of MRAG Americas' proposal in response to the Northeast Observer/Monitor Solicitations. MRAG Proposal Personnel shall not include any NEFOP Observer Personnel, as defined below.

2.2. MSC Assessment Services

"MSC Assessment Services" means assessment services provided by MRAG Americas to organizations seeking to obtain or maintain a fishery or chain-of-custody certification with MSC, including pre-assessments, fishery assessments, and chain-of-custody assessments.

2.3. MSC-related OCIs

"MSC-related OCIs" is a potential OCI that arises if MRAG Americas provides fisheries observer services under the Contract to vessels that either (1) are owned by companies for which MRAG Americas provides MSC Assessment Services; or (2) are owned by or sell seafood to companies for which MRAG Americas provides MSC chain-of-custody assessments.

2.4. NEASM Solicitation

"NEASM Solicitation" means Solicitation No. EA133F-12-RP-0019 for an Indefinite Delivery-Indefinite Quantity contract with a base period of one (1) year and an option to extend for one additional year to provide and retain the necessary qualified personnel, material, equipment, services, and facilities to perform environmental, biological, and fisheries operations data collection, data analysis, and information dissemination for the Northeast Fisheries Science Center in support of the Northeast Fisheries At-Sea Monitor Program.

2.5. NEFOP Management Personnel

"NEFOP Management Personnel" means the NE Program Manager, the Observer Operations Manager, and the Finance Administrator for the Contract, but it does not include the Observer Coordinators and Observers involved in performing the Contract.

2.6. NEFOP Observer Personnel

"NEFOP Observer Personnel" means the Observer Coordinators and Observers involved in performing the Contract, but it does not include the NE Program Manager, the Observer Operations Manager, and the Finance Administrator for the Contract.

2.7. NEFOP Protected Information

“NEFOP Protected Information” as used in this Plan means nonpublic financial, economic, or operational information marked as proprietary relating to any business entity subject to observation under the Contract as well as the following information collected by MRAG Americas' observers performing under the Contract:

1. Any Observed Vessel Name;
2. All Captain Names and contact information (e.g. phone numbers, email addresses, and physical addresses);
3. All Crew member names and contact information (e.g. phone numbers, email addresses, and physical addresses);
4. Any visual representations (photographs, pictures, drawings, or sketches) of the vessel and crew during any point of a trip (from pre-deployment, through deployment, and through landing);
5. Any information concerning the date and time of departure, date and time of changes in vessel location during a trip, and date and time of vessel landing;
6. Any information concerning the physical location (latitude and longitude) of the observed vessel at any point during a trip and any fishing locations;
7. Any information or recordings of catch or bycatch during any part of any trip;
8. Any information or recording of landings during any trip; or
9. Any information concerning the configuration or deployment of the vessel's gear at any point during a trip.

2.8. NEFOP Solicitation

"NEFOP Solicitation" means Solicitation No. EA133F-11-RP-0153 for a single award Indefinite Delivery-Indefinite Quantity contract with a base five (5) year ordering period to provide and retain the necessary qualified personnel, material, equipment, services, and facilities to perform environmental, biological, and fisheries operations data collection, data analysis, and information dissemination for the Northeast Fisheries Science Center in support of the Northeast Fisheries Observer Program.

2.9. Northeast Observer/Monitor Solicitations

"Northeast Observer/Monitor Solicitations" means solicitations issued by NOAA for observer or monitoring programs in Northeast fisheries, including without limitation the NEFOP Solicitation and the NEASM Solicitation.

3. PROCEDURES

3.1. MSC-related OCIs

3.1.1 Identification of MSC-related OCIs with MSC Clients

- (a) **Current MSC Clients.** For all clients for whom MRAG Americas is currently providing MSC Assessment Services as of the date this OCI Plan is incorporated by amendment into the Contract, MRAG Americas will request that such MSC clients disclose: (1) for all clients, the names of all vessels owned by the client currently subject to observation under the NEFOP; (2) for chain of custody clients, the names of all vessels from whom the client directly purchases fish and/or seafood that are currently subject to observation under the NEFOP.
- (b) **Future MSC Clients.** For all clients with whom MRAG Americas enters into a future agreement to provide MSC Assessment Services after the date this OCI Plan is incorporated by amendment into the Contract, MRAG Americas will require the potential MSC client to certify, as a condition of entering into such agreement, that it (1) does not presently own any vessel that is currently or expected to fish in a fishery subject to observation under the NEFOP; and (2) does not presently buy fish and/or seafood directly from a vessel currently subject to observation under the NEFOP. In addition to making the foregoing certification, MRAG Americas will require each future MSC client to agree to the following procedures during the term of the agreement to provide MSC Assessment services in order to address the possibility that the MSC client may acquire a vessel or purchase fish and/or seafood from a vessel subject to observation under the NEFOP:
- (1) Within seven days of a request by MRAG Americas, the MSC client will notify MRAG Americas whether the foregoing certification is still current, accurate, and complete;
 - (2) Within seven days of learning that the foregoing certification is no longer current, accurate, and complete, the MSC client shall notify MRAG Americas the certification is no longer current, accurate, and complete.
- (c) **Quarterly Disclosure of MSC Clients to NOAA.** In order to allow NOAA to independently screen for and identify potential MSC-related OCIs, MRAG Americas will provide to NOAA on a quarterly basis a list of all MSC clients for whom MRAG Americas is currently engaged to provide MSC Assessment Services. Such disclosure shall be made in writing on July 1, October 1, January 1, and April 1 of each year following the incorporation by amendment of this OCI Plan into the Contract.

3.1.2 Avoidance of MSC-related OCIs

- (a) In the event that MRAG Americas discovers that it has an MSC-related OCI with regard to a current MSC client, MRAG Americas shall promptly notify NOAA and promptly give notice to the MSC client of MRAG Americas's intention to cease providing MSC Assessment Services. MRAG Americas will cease providing MSC Assessment Services to the client within sixty (60) days of providing such notice to the MSC client. Until MRAG Americas has ceased providing MSC Assessment Services to the MSC client, MRAG Americas will comply with any direction received from NOAA regarding observer services provided to the vessels that triggered the MSC-related OCI, including temporary cessation of such services.
- (b) If a potential future MSC client cannot make the certification set forth in § 3.1.1(b), MRAG Americas will not enter into an agreement with such potential client to provide MSC Assessment Services.

(c) In the event a future MSC client who initially made the certification set forth in § 3.1.1(b) subsequently informs MRAG Americas that such certification is no longer accurate and complete, MRAG Americas will give notice to the MSC client of MRAG Americas' intention to cease providing MSC Assessment Services. MRAG Americas will cease providing MSC Assessment Services to the client within sixty (60) days of providing such notice to the MSC client.

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MRAG Americas shall restrict physical and electronic access of NEFOP Protected Information in accordance with the table set forth the below. NEFOP Observer Personnel shall not disclose NEFOP Protected Information to any other employee of MRAG Americas, including without limitation MRAG Proposal Personnel. NEFOP Observer Personnel will not use the NEFOP Protected Information for any purpose other than the performance of the contract, as enumerated below.

NMFS Protected Information	MRAG Americas Data Type in which the Protected Information Appears	NEFOP Personnel who Have Access to this Data Type	Use Restriction
1. Any Observed Vessel Name;	Observer Program Management and Financial Information	<ul style="list-style-type: none"> • NEFOP Management Personnel 	Vessel names are required for reimbursement of vessel owners for victualing and billing NOAA for sea days and reimbursables. Because mere vessel names are not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Vessel names must be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.
	Observer data	<ul style="list-style-type: none"> • Observer Only 	Observer collects the data, scans into IPAQ and submits paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data are deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.
	Observer Tracking Data: single trip log	<ul style="list-style-type: none"> • Observer Coordinators • NEFOP Management Personnel 	Coordinators assign trips to observers, record vessel names in Trip Log. Management and coordinators refer to Trip Log for billing and payroll. Because mere vessel names are not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Vessel names must be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.
	Observer Tracking Data: multiple trips	<ul style="list-style-type: none"> • Observer Coordinators • NEFOP Management Personnel 	Coded data table summarizes biweekly assignments by individual observer. Vessel names stored in the comments are used in the payroll and billing preparation. Because mere vessel names are not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Vessel names must be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.
2. All Captain Names and contact information (e.g. phone numbers, email addresses, and physical addresses);	Observer program management and financial information (Captain's name and address)	<ul style="list-style-type: none"> • NEFOP Management Personnel 	Captain name and address are required for reimbursement payments to vessel owners for observer victualing on board. Because the Captain's name and address are not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Captain's name and address may be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.

NMFS Protected Information	MRAG Americas Data Type in which the Protected Information Appears	NEFOP Personnel who Have Access to this Data Type	Use Restriction
	Observer data (all)	<ul style="list-style-type: none"> Observer Only 	Observer collects the data, scans into IPAQ and submits paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data
	Observer Tracking Data: single trip log (Captain's name and contact info)	<ul style="list-style-type: none"> Observer Coordinators NEFOP Management Personnel 	Coordinators record Captain name and contact in Trip Log relay to observers. Management and coordinators refer to Trip Log for billing and payroll. Because the Captain's name and address are not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Captain's name and address may be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.
	Observer Tracking Data: multiple trips (all)	<ul style="list-style-type: none"> Observer Coordinators NEFOP Management Personnel 	Captain's name and contact information recorded on No Call No Trip Forms, and potentially on Incident and Accident reports. Because the Captain's name and address are not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Captain's name and address may be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.
3. All Crew member names and contact information (e.g. phone numbers, email addresses, and physical addresses);	Not recorded in data	<ul style="list-style-type: none"> Observer Only 	Observer will be aware of the Crew members' names during a trip; these data are not recorded. NEFOP Management Personnel have no access to this data.
4. Any visual representations (photographs, pictures, drawings, or sketches) of the vessel and crew during any point of a trip (from pre-deployment, through deployment, and through landing);	Observer data	<ul style="list-style-type: none"> Observer Only 	Only visual representations required by the observer program are created; Observer collects the data, scans into IPAQ and submits paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.

NMFS Protected Information	MRAG Americas Data Type in which the Protected Information Appears	NEFOP Personnel who Have Access to this Data Type	Use Restriction
<p>5. Any information concerning the date and time of departure, date and time of changes in vessel location during a trip, and date and time of vessel landing;</p>	<p>Observer program management and financial information (date & time of Departure and landing)</p>	<ul style="list-style-type: none"> • Observer Coordinators • NEFOP Management Personnel 	<p>Date & time of departure and landing is required for preparation of reimbursement payments to vessel owners for observer victualing on board; preparation of observer payroll & reimbursements and NOAA billings. Note: Observer program management and financial information does <i>not</i> include any information regarding date and time of changes in vessel location during a trip. Because the date and time of departure and landing is not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Trip departure and landing information may be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.</p>
	<p>Observer data (all)</p>	<ul style="list-style-type: none"> • Observer Only 	<p>Observers have full access to the dates and times of all vessel movements during a trip. Observers record dates and times with data, scans into IPAQ Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.</p>
	<p>Observer Tracking data multiple trips (date of departure and landing)</p>	<ul style="list-style-type: none"> • Coordinators • NEFOP Management Personnel 	<p>Coded data table summarizes biweekly assignments by individual observer. Departure and landing dates are recorded for each trip, which are used in the payroll and billing preparation. Note: Observer tracking data does <i>not</i> include any information regarding date and time of changes in vessel location during a trip. Because the date and time of departure and landing is not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation. Trip departure and landing information may be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.</p>
	<p>Observer Tracking Data: single trip log (date & time of Departure and landing)</p>	<ul style="list-style-type: none"> • Coordinators • NEFOP Management Personnel 	<p>Coordinators record embarkation dates and times in Trip Log, Management and coordinators refer to dates/times in Trip Log for billing and payroll. Note: Observer tracking data does <i>not</i> include any information regarding date and time of changes in vessel location during a trip. Because the date and time of departure and landing is not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on</p>

NMFS Protected Information	MRAG Americas Data Type in which the Protected Information Appears	NEFOP Personnel who Have Access to this Data Type	Use Restriction
			them relative to the NEFOP Solicitation. Trip departure and landing information may be disclosed within MRAG Americas for the purpose of monitoring the MSC-related OCIs under § 3.1 of this Plan.
6. Any information concerning the physical location (latitude and longitude) of the observed vessel at any point during a trip and any fishing locations;	Observer data	<ul style="list-style-type: none"> Observer Only 	Observers have full access to the latitude and longitude for all vessel movements during a trip. Observer collects the data, scans into IPAQ and submits paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.
	Observer Tracking Data: single trip log	<ul style="list-style-type: none"> Observer Only 	MRAG observer staff are not privy to any physical vessel locations and do not record or retain any specific position information. NEFOP Management Personnel have no access to this data.
7. Any information or recordings of catch or bycatch during any part of any trip;	Observer data	<ul style="list-style-type: none"> Observer Only 	Observers record catch and bycatch information, scans into IPAQ and submits paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.
8. Any information or recording of landings during any trip;	Observer data	<ul style="list-style-type: none"> Observer Only 	Observers record estimates of all landings during a trip, scans into IPAQ and submits paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.
9. Any information concerning the configuration or deployment of the vessel's gear at any point during a trip.	Observer data (all)	<ul style="list-style-type: none"> Observer Only 	Observers collect information on vessel gear, scan into IPAQ and submit paper copies and scans to NOAA in accordance with NOAA procedures. Electronic data is deleted once trip data is debriefed. NEFOP Management Personnel have no access to this data.
	Observer Tracking Data: single trip log (all)	<ul style="list-style-type: none"> Observer Coordinators NEFOP Management Personnel 	Coordinators record gear type for logistical purposes in Trip Log. Must be certain observer is certified for gear type. Note: Observer tracking data does <i>not</i> include any information regarding configuration or deployment of a vessel's gear at any point during a trip. Because the gear type, without more information about configuration and deployment, is not competitively useful in regard to the NEFOP Solicitation, there is no usage restriction on them relative to the NEFOP Solicitation.

3.2.2 Procedures to Restrict Access and Usage of NEFOP Protected Information

- (a) All NEFOP Observer Personnel and NEFOP Management Personnel listed above shall sign a non-disclosure agreement pursuant to which each employee agrees to the access and usage restrictions regarding NEFOP Protected Information set forth in § 3.2.1.
- (b) MRAG Proposal Personnel shall sign a non-disclosure agreement pursuant to which each employee agrees to the access and usage restrictions regarding NEFOP Protected Information set forth in § 3.2.1.
- (c) MRAG Proposal Personnel shall not include any NEFOP Observer Personnel. NEFOP Observer Personnel shall have no personal and substantial involvement in the preparation, review, or submission of MRAG Americas' proposal in response to Northeast Observer/Monitor Solicitations.
- (d) NEFOP Observer Personnel shall be notified of the identity of all MRAG Proposal Personnel and shall have no communications relating to MRAG Americas' proposal in response to Northeast Observer/Monitor Solicitations with MRAG Proposal Personnel.
- (e) MRAG Proposal Personnel shall be notified of the identity of all NEFOP Observer Personnel and shall have no communications relating to MRAG Americas' proposal in response to Northeast Observer/Monitor Solicitations with NEFOP Observer Personnel.

3.3. Reporting Violations

All MRAG Americas personnel (including but not limited to NEFOP Observer Personnel and MRAG Proposal Personnel) are required to report any information regarding an actual or potential violation of this OCI Plan to MRAG Americas' Vice President-Fisheries.

3.4. 3.4 Employee OCI Awareness Training Program

- (a) Within 30 days of the incorporation by amendment of this OCI Plain into the Contract, all MRAG Americas personnel (including but not limited to NEFOP Observer Personnel and MRAG Proposal Personnel) will be instructed on the procedures set forth in this OCI Plan regarding NEFOP Protected Information; and MRAG Americas personnel responsible for managing MRAG Americas' MSC Assessment Services will be instructed on the procedures set forth in this OCI Plan regarding MSC-related OCIs. The training will include a requirement that each individual certify that he or she understands and will adhere to the procedures as they relate to their performance. All new hires will also be in-briefed on the requirements of procedures regarding NEFOP Protected Information and, if they are responsible for managing MSC Assessment Services, the procedures regarding MSC-related OCI's. On an annual basis, all MRAG Americas Personnel will be subjected to a review and recertification on the above procedures.