

## Financial Conflict of Interest for DOE Financial Assistance

Rev. 5/31/2024

The Company Financial Conflict of Interest (FCOI) Policy (“Company FCOI Policy”) implements the Department of Energy (DOE) Interim Conflict of Interest Policy for Financial Assistance (“DOE Interim COI Policy”) establishing standards that provide a reasonable expectation that the design, conduct, and reporting of Projects wholly or in part funded under DOE financial assistance awards (e.g., a grant, cooperative agreement, or technology investment agreement) will be free from bias resulting from FCOI.

### 1. Responsibilities

This policy applies to all Company employees regardless of department, job, or role when the Company is applying for or receives a DOE financial assistance award, as well as the Company’s Subrecipients. Only Investigators, as that term is defined in this policy, are subject to requirements to disclose Significant Financial Interests (SFI).

The Company designates the Compliance Manager (and in their absence, the Associate General Counsel) as its Designated Company Official(s) to solicit and review SFI disclosures from each Investigator who is planning to participate in, or is participating in, the Project funded under a DOE award, including disclosures of Subrecipient Investigators. This policy provides guidelines for determining whether an Investigator's SFI is related to a Project funded under a DOE award and, if so related, whether the SFI is an FCOI.

### 2. References

DOE Interim Conflict of Interest Policy Requirements for Financial Assistance  
2 CFR part 910, Department of Energy (DOE) Financial Assistance Regulations  
2 CFR part 200, e.g., 200.112, 200.318

### 3. Definitions

**Company** – ASRC Energy Services, LLC and its subsidiaries.

**Financial Conflict of Interest (FCOI)** - a situation in which an Investigator or the Investigator’s spouse or dependent children has a significant financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of a Project.

**Investigator** - the Principal Investigator (PI) and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a Project funded by DOE or proposed for funding by DOE. DOE program offices have the discretion to expand the definition to also include any person who participates in the purpose, design, conduct, or reporting of a Project funded by DOE or proposed for funding by DOE. Such expansion will be specified in the applicable funding opportunity announcement and/or terms and conditions of the financial assistance award.

**Investigator’s Company Responsibilities** - an Investigator's professional responsibilities on behalf of the Company, or on behalf of a subrecipient of the Company, as applicable, which may include activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards.

**Principal Investigator (PI)** - a principal investigator of a Project funded under a DOE financial assistance award.

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**Project** – the interdependent activities funded wholly or in part under the DOE financial assistance award.

**Significant Financial Interest (SFI) –**

(1) a financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator’s spouse and dependent children) that reasonably appears to be related to the Investigator’s Company Responsibilities:

(i) With regard to any foreign or domestic publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;

(ii) With regard to any foreign or domestic non-publicly traded entity, a significant financial interest exists if the value of any remuneration, not otherwise disclosed as current, pending, or other support, received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator’s spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest);

(iii) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

(2) Investigators also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) related to their institutional responsibilities that is not otherwise disclosed in current and pending or other support disclosures, provided that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency of the United States; a domestic Institution of Higher Education; or a domestic research institute that is affiliated with a domestic Institution of Higher Education.

(3) The term significant financial interest does not include the following types of financial interests: salary, royalties, or other remuneration paid by the Company or Subrecipient of the DOE award to the Investigator if the Investigator is currently employed or otherwise appointed by the Company or Subrecipient, including intellectual property rights assigned to the Company or Subrecipient and agreements to share in royalties related to such rights; any ownership interest in the Company or Subrecipient held by the Investigator, if the Company or Subrecipient is a commercial or for-profit organization; income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles; income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency of the United States, a domestic Institution of Higher Education, or a domestic research institute that is affiliated with a domestic Institution of Higher Education; or income from service on advisory committees or review panels for a Federal, state, or local government agency of the United States, a domestic Institution of Higher Education, or a domestic research institute that is affiliated with a domestic Institution of Higher Education.

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**Subrecipient** - an entity that receives a subaward from a pass-through entity to carry out part of a Federal award but does not include an individual that is a beneficiary of such award. A Subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

#### 4. Policy

The Company maintains and enforces this policy in compliance with the DOE Interim COI Policy. This policy is available via a publicly accessible website at [www.asrcenergy.com](http://www.asrcenergy.com). The Company will make information available, upon request, to DOE relating to any Investigator disclosure of FCOI and the Company's review of, and response to, such disclosures, whether or not the disclosure resulted in the Company's determination of an FCOI.

##### 4.1 Investigator Training

The Company requires each Investigator to complete training prior to engaging in Projects relating to any DOE financial assistance award and at least every 4 years, and immediately when any of the following circumstances apply:

1. Updates to this policy that affect the requirements of Investigators;
2. An Investigator is new to the Company; or
3. When the Company finds that an Investigator is not in compliance with this policy or a related FCOI Management Plan.

##### 4.2 Complete and Review SFI Disclosures

The Company Designated Official will:

- Identify employees who are planning to participate in the DOE award.
- Determine if the employee qualifies as an Investigator.
- Inform each Investigator of the Company's FCOI Policy and the DOE Interim COI Policy.

The Investigator(s) will:

- Review this policy and related forms.
- Complete the SFI Disclosure form prior to the DOE award.
- Return the completed SFI Disclosure form to the Company Designated Official.

The Company Designated Official will:

- Review completed forms and determine if an FCOI exists.
- Request further information regarding disclosed travel if needed to determine whether the travel constitutes an FCOI.
- If an FCOI exists, prepare an FCOI Management Plan pursuant to section 4.4 of this policy.

### 4.3 Update SFI Disclosures

The Investigator(s) will:

- Update the SFI Disclosure form annually, during the period of award.
- Include any information that was not disclosed initially and any updated information regarding previously disclosed SFI (e.g., updated value of a previously disclosed equity interest).
- Submit an updated SFI Disclosure form within 30 days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new SFI.
- Sign and date each SFI Disclosure form.

The Company Designated Official will:

- Review each updated SFI Disclosure form within 60 days of receiving the SFI Disclosure form to determine if an FCOI exists.
- If an FCOI exists, prepare an FCOI Management Plan pursuant to section 4.4.

Noncompliance with the disclosure requirements, or willful misrepresentation in such disclosures, may subject an Investigator to disciplinary action up to and including termination of employment. In addition, Investigators shall be aware that any false, fictitious, or fraudulent information, or the omission of any material fact, on a disclosure, report, or other record required under the DOE Interim COI Policy may be subject to criminal, civil, or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Sections 287 and 1001; and Title 31, 3729-3730 and 3801-3812).

### 4.4 FCOI Management Plan

An Investigator's SFI is related to a Project funded under a DOE award when the Company Designated Official reasonably determines that the SFI could be affected by the Project, could affect the Project, is in an entity whose financial interest could affect the Project, or is in an entity whose financial interest could be affected by the Project. The Company may involve the Investigator in the Company Designated Official's determination of whether the SFI is related to the Project funded under the DOE award. An FCOI exists when the Company Designated Official reasonably determines that the SFI could directly and significantly affect the purpose, design, conduct, or reporting of the Project funded under a DOE award.

The Company Designated Official will:

- Specify the actions that will be taken to manage the FCOI.
- Provide initial and ongoing FCOI reports to the DOE program office regarding any Investigator's unmanaged or unmanageable SFI prior to the Company's expenditure of any Project funds.
- If required by language in a Funding Opportunity Announcement or terms and conditions of award, provide an FCOI report that lists an Investigator's SFI found to be conflicting and addressed by an FCOI Management Plan in accordance with this policy.
- Monitor Investigator compliance with the FCOI Management Plan on an ongoing basis until the completion of the DOE award.

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A nonexclusive list of conditions or restrictions, one or more of which might be imposed to manage an FCOI includes:

- a. Public disclosure of the FCOI (e.g., when presenting or publishing the Project);
- b. For Projects involving human subjects, disclosure of the FCOI directly to participants;
- c. Appointment of an independent monitor or oversight committee capable of taking measures to protect the purpose, design, conduct, and reporting of the Project against bias resulting from the FCOI;
- d. Modification of the Project plan;
- e. Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the Project;
- f. Reduction or elimination of the financial interest (e.g., sale of an equity interest); or
- g. Severance of relationship(s) that creates an FCOI.

If the Company identifies an SFI that was not disclosed timely by an Investigator or, for whatever reason, was not previously reviewed by the Company Designated Official during an ongoing Project (e.g., was not timely reviewed or reported by a Subrecipient), the Company Designated Official will, within 60 days of identifying the SFI:

- Review the SFI to determine whether it is related to the Project funded under a DOE award.
- Determine whether an FCOI exists; and, if so:
  - a. Implement, on at least an interim basis, a management plan that will specify the actions that will be taken to manage FCOI going forward.
  - b. Within 120 days of noncompliance, complete a retrospective review of the Investigator's activities and the DOE Project to determine whether any Project activity, or portion thereof, conducted during the time period of the noncompliance, was biased in the purpose, design, conduct, or reporting of such Project.
  - c. Document the retrospective review and include:
    - DOE award number;
    - Project title;
    - PI or contact PI if a multiple PI model is used;
    - Name of the Investigator with the FCOI;
    - Name of the entity with which the Investigator has the FCOI;
    - Reason(s) for the retrospective review;
    - Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
    - Findings of the review; and
    - Conclusions of the review.
- Provide reports to the DOE program office as required.

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**4.5 Recordkeeping**

The Company Designated Official will maintain records relating to all Investigator disclosures of financial interests and the review of and response to such disclosures (whether or not a disclosure resulted in the determination of an FCOI) and all actions under the Company's policy or retrospective reviews, if applicable, for the time period specified in 2 CFR 200.334 or, where applicable, from other dates specified in the individual award terms and conditions.

**4.6 Subrecipient Financial Conflict of Interest (FCOI)**

If the Company carries out the DOE award through or with the assistance of one or more Subrecipient, the Company will take reasonable steps to ensure that each Subrecipient Investigator complies with this policy by:

- (1) Incorporating as part of a written agreement with the Subrecipient terms that establish whether the FCOI policy of Company or that of the Subrecipient will apply to the Subrecipient's Investigators.
  - a. If the Subrecipient's Investigators must comply with their own policy, the Subrecipient must certify as part of the agreement referenced above that their policy complies with this DOE Interim COI Policy and the Subrecipient will make such policy available via a publicly accessible website. If the Subrecipient does not have any current presence on a publicly accessible website (and only in those cases), the Subrecipient shall make its written policy available to any requestor within 5 business days of a request.
  - b. If the Subrecipient's Investigators must comply with their own policy, the agreement referenced above will specify time period(s) for the Subrecipient to report all identified FCOI to the Company. Such time period(s) will be sufficient to enable the Company to provide timely FCOI reports, as necessary, to DOE.
  - c. If the Subrecipient's Investigators must comply with the Company FCOI policy, the agreement referenced above will specify time period(s) for the Subrecipient to submit all Investigator disclosures of SFI to the Company. Such time period(s) will be sufficient to enable the Company to comply with its review, management, and reporting obligations under this DOE Interim COI Policy.
- (2) Providing FCOI reports to the DOE program office regarding all FCOI of all Subrecipient Investigators consistent with this policy, i.e., prior to the expenditure of funds and within 60 days of any subsequently identified FCOI.

**5. Forms**

Significant Financial Interest Disclosure

## SIGNIFICANT FINANCIAL INTEREST DISCLOSURE

Please complete this form pursuant to the Company's FCOI policy.

| General Information   |   |
|---|---|
| <input type="checkbox"/> AES, LLC   | <input type="checkbox"/> ACES, LLC                          |
| <input type="checkbox"/> AES E&P Technology, Inc.   | <input type="checkbox"/> AES Equipment, LLC                 |
| <input type="checkbox"/> AES-HCC, Inc.  | <input type="checkbox"/> Little Red Services, Inc.          |
| <input type="checkbox"/> AES Alaska, Inc.   | <input type="checkbox"/> Other:                             |
| Subrecipient Company Name (if applicable):  |   |
| Investigator's Name:  | Employee No. (if applicable):                               |
| Job Title:  | DOE Project/Award Title:                                    |
| STEP 1: Significant Financial Interests (SFI)   |   |
| <p>Please indicate if you, your spouse, your registered domestic partner, and/or your dependent child(ren) (Family) have the financial interests listed in items 1 through 5 below that reasonably appear to be <b>related</b> to your Company Responsibilities, <b>unless</b> they are any of the following:</p> <ul style="list-style-type: none"> <li>Compensation from your current employer if it is a recipient or subrecipient under the DOE award.</li> <li>Ownership interest in your current employer if it is a recipient or subrecipient under the DOE award and it is a commercial or for-profit organization.</li> <li>Income from investment vehicles such as mutual funds and retirement accounts if you do not directly control the vehicles' investment decisions.</li> <li>Income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, or a domestic Institution of Higher Education.</li> <li>Income from advisory committees or review panels for a Federal, state, or local government agency, or a domestic Institution of Higher Education.</li> </ul> |   |
| 1. Receipt of income or other payment for services over the past 12 months from and/or equity interest(s) in a publicly traded entity totaling more than \$5,000.   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 2. Receipt of income or other payment for services over the past 12 months from a non-publicly traded entity totaling more than \$5,000.  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 3. Any equity interest(s) in a non-publicly traded entity, regardless of value.   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 4. Receipt of income related to intellectual property rights and interests (e.g., from patents, copyrights assigned to any entity other than the Company) .   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 5. Any reimbursed or sponsored travel paid to or on behalf of Investigator/Family in the 12 months preceding the disclosure.  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |

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**If you answered "yes" to one or more questions in STEP 1, proceed to STEP 2 or STEP 3.**

**STEP 2: I disclose the following assets:**

| Name of Asset(s) | Asset Belongs to | Asset Type (stock, dividends, real estate, pension, etc.) | Approximate value |
|------------------|------------------|---|-------------------|
|                  |                  |   |                   |
|                  |                  |   |                   |
|                  |                  |   |                   |
|                  |                  |   |                   |

**Comments:**

**STEP 3: I disclose the following sponsored travel:**

| Travel Sponsor | Destination | Duration | Purpose |
|----------------|-------------|----------|---------|
|                |             |          |         |
|                |             |          |         |
|                |             |          |         |
|                |             |          |         |

**Comments:**

**NOTICE AND SIGNATURES**

I understand that this disclosure is required to obtain funding from the U.S. Government. I certify to the best of my knowledge and belief that the information contained in this Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims, or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3730 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to U.S. Government's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

**Investigator Signature:**

**Printed Name:**

**Date:**

**Submit completed and signed form to the Company Designated Official.**

**COMPANY DESIGNATED OFFICIAL SECTION**

**I have reviewed this disclosure and certify that a Financial Conflict of Interest:**

does not exist.

exists, and an FCOI Management Plan will be developed and provided to the DOE as required.

**Company Designated Official Signature:**

**Printed Name:**

**Date:**

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