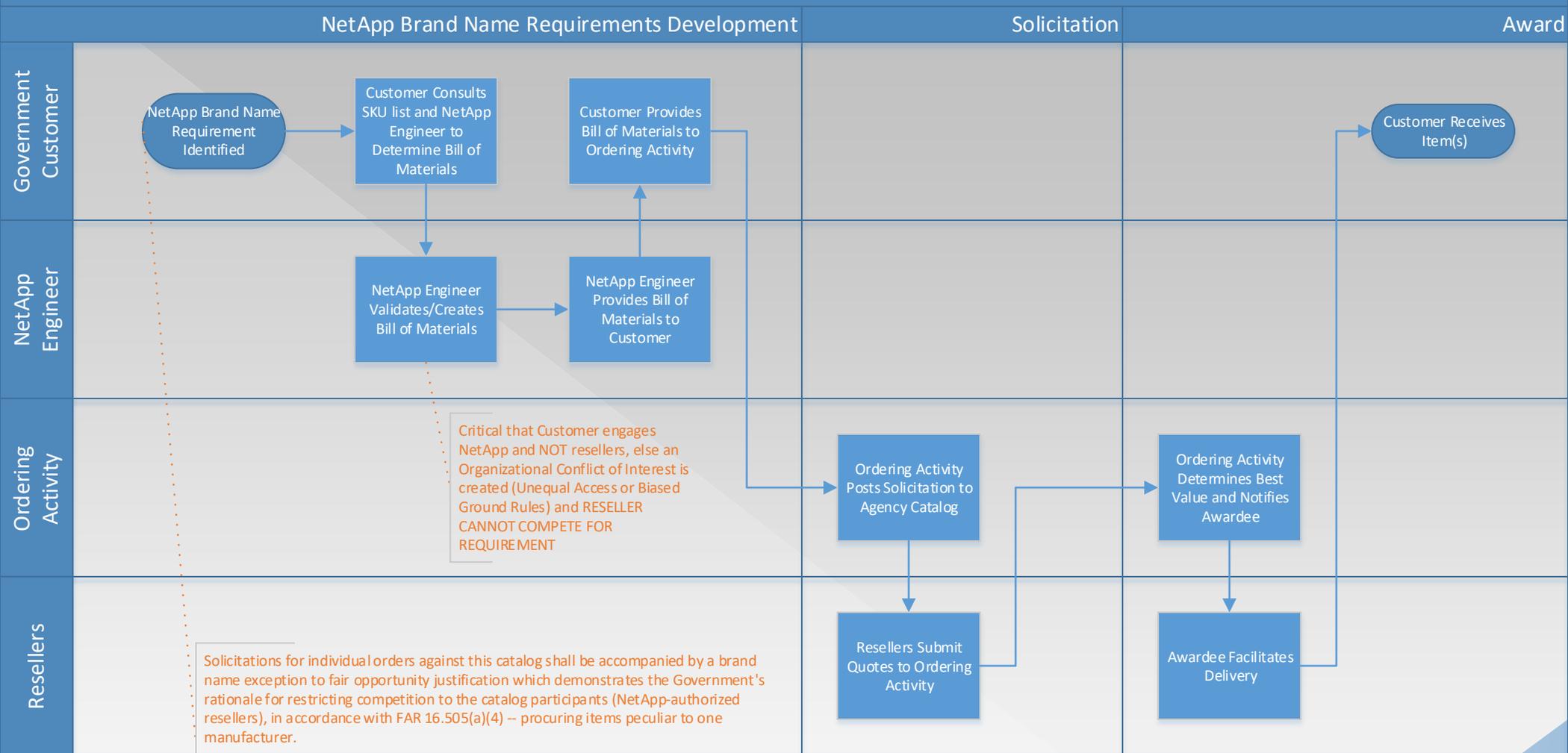


# NetApp DON ESL Engagement Process



Failure to prepare and approve a brand name exception to fair opportunity justification prior to engaging NetApp could create an Organizational Conflict of Interest which would preclude any of NetApp's authorized resellers from competing for the resulting requirement if the brand name justification cannot be approved.

Per Government Accountability Office Decision B-410639, organizational conflicts of interest can be broadly categorized into the following groups:

- 1) Biased Ground Rules: where a firm, as part of its performance of a Government contract, has in some sense set the ground rules for another Government contract by, for example, writing the statement of work or the specifications.
- 2) Unequal Access to Information: where a firm has access to nonpublic information as part of its performance of a Government contract and where that information may provide the firm a competitive advantage in a later competition.
- 3) Impaired Objectivity: where a firm's work under one Government contract could entail its evaluating itself, either through an assessment of performance under another contract or an evaluation of proposals.