

## **REQUEST FOR PROPOSAL (RFP) CONFLICTS OF INTEREST AND CONFIDENTIALITY**

Your willingness to participate as a RFP evaluation committee member is an integral part of the procurement process. Vanguard Academy truly appreciates your assistance and expertise.

Your designation as a RFP evaluation committee member requires that you fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein. Under the Utah Administrative Code R33-24-101, "unlawful conduct shall be governed in accordance with the requirements set forth in Sections 63G-6a-2401 through 2407 [of the Utah Procurement Code]." Rule 33-24 of the Utah Administrative Code provides additional requirements and procedures and must be used in conjunction with the Utah Procurement Code.

**Confidentiality.** The competitive procurement process and the obligations imposed by Utah state law requires that Vanguard Academy ensures that the competitive process operates in a fair and equitable manner. As a RFP evaluation committee member, you may have access to information not generally available to the public and are charged with special professional and ethical responsibilities. This information may include information about proposers that is to be used only during the evaluation process, and for discussion only with fellow RFP evaluation committee members. You shall not communicate the evaluation, scoring, or status of any proposal or business entity at any time prior to, during, or after the procurement process. You shall not use such information obtained as a RFP evaluation committee member for either personal benefit, pecuniary or otherwise, or copy and/or disseminate any portion of any proposal at any time prior to, during, or after the procurement process.

**Conflict of Interest.** A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, you must inform the State of Utah Division of Purchasing of any potential conflicts of interest. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify Vanguard Academy. You may be disqualified as a RFP evaluation committee member if you conduct yourself in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or other business entity, whether through direct association with contract representatives, indirect associations, through recreational activities or otherwise. The Utah Administrative Code provides that a conflict of interest includes:

### R33-24-104. Socialization with Vendors and Contractors.

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- (1) A procurement professional shall not:
  - (a) participate in social activities with vendors or contractors that will interfere with the proper performance of the procurement professional's duties;
  - (b) participate in social activities with vendors or contractors that will lead to unreasonably frequent disqualification of the procurement professional from the procurement process; or
  - (c) participate in social activities with vendors or contractors that would appear to a reasonable person to undermine the procurement professional's independence, integrity, or impartiality.
- (2) If an executive branch procurement professional participates in a social activity prohibited under R33-24-104(1), or has a close personal relationship with a vendor or contractor, the procurement professional shall promptly notify their supervisor and the supervisor shall take the appropriate action, which may include removal of the procurement professional from the procurement or contract administration process that is affected.

### R33-24-105. Financial Conflict of Interests Prohibited.

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- (1) A procurement conflict of interest is a situation in which the potential exists for an executive branch employee's personal financial interests, or for the personal financial interests of a family member, to influence, or have the appearance of influencing, the employee's judgment in the execution of the employee's duties and responsibilities when conducting a procurement or administering a contract.
- (2) In order to preserve the integrity of the State's procurement process, an executive branch employee may not take part in any procurement process, contracting or contract administration decision:
- (a) relating to the employee or a family member of the employee; or
- (b) relating to any entity in which the employee or a family member of the employee is an officer, director or partner, or in which the employee or a family member of the employee owns or controls 10% or more of the stock of such entity or holds or directly or indirectly controls an ownership interest of 10% or more in such entity.
- (3) If a procurement process, contracting or contract administration matter arises relating to the employee or a family member of the employee, the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the procurement, contracting or administration matter. The employee must also comply with all disclosure requirements in Utah Code Title 67 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

R33-24-106. Personal Relationship, Favoritism, or Bias Participation Prohibitions.

- (1) Executive branch employees are prohibited from participating in any and all discussions or decisions relating to the procurement, contracting or administration process if they have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence their independence in performing their assigned duties and responsibilities relating to the procurement process, contracting or contract administration or prevent them from fairly and objectively evaluating a proposal in response to a bid, RFP or other solicitation. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.
- (2) If an executive branch employee has a personal relationship, favoritism, or bias toward any individual, group, organization, or vendor responding to a bid, RFP or other solicitation, the employee must make a written disclosure to the supervisor and the supervisor shall take appropriate action, which may include recusing the employee from any and all discussions or decisions relating to the solicitation, contracting or administration matter in question. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

R33-24-107. Professional Relationships and Social Acquaintances Not Prohibited.

- (1) It is not a violation for an executive branch employee who participates in discussions or decisions relating to the procurement, contracting or administration process to have a professional relationship or social acquaintance with a person, contractor or vendor responding to a solicitation, or that is under contract with the State, provided that there is compliance with Rule R33-24-105, Rule R33-24-106, the Utah Public Officers' and Employees' Ethics Act, The Governor's Executive Order (EO 002 2014) "Establishing an Ethics Policy for Executive Branch Agencies and Employees," and other applicable State laws.

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To assure the integrity of the RFP process, all RFP evaluation committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement.

I, \_\_\_\_\_, as a member of the RFP evaluation committee for Request for Proposal No. \_\_\_\_\_ for \_\_\_\_\_ (Title of RFP) will perform the evaluation under the guidelines, procedures and requirements provided by the State of Utah Division of Purchasing.

Further, I represent as follows:

1. I, to the best of my knowledge, do not participate in social activities with vendors or contractors that: (a) will interfere with the proper performance of my duties; (b) will lead to unreasonably frequent disqualification of me from the procurement process; or (c) would appear to a reasonable person to undermine my independence, integrity, or impartiality.
2. I, to the best of my knowledge, do not have a conflict of interest with vendors or contractors in which the potential exists for my personal financial interests, or for the personal financial interests of a family member, to influence, or have the appearance of influencing my judgment in the execution of my evaluation committee duties and responsibilities.
3. I have not received any compensation from any employee, consultant, or anyone working for any vendor or contractor currently responding to a solicitation or who currently has a contract with Vanguard Academy.
4. I will not participate in any discussions or decisions relating to this RFP, if I have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence my independence in performing my assigned evaluation committee duties and responsibilities, or prevent me from fairly and objectively evaluating a proposal.
5. I will conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.
6. I understand that all information contained in the proposals and information regarding the evaluation process is protected and cannot be released or discussed in any manner with other offerors or individuals not involved in the evaluation process. I agree that I will not discuss or share any information provided in the proposals or interviews with anyone other than the selection committee members and Vanguard Academy procurement personnel prior to the completion of the evaluation and selection process and I will not discuss or disseminate the deliberations of the selection committee, the basis for the selection, or any information identified as protected.
7. I have read and understand the Utah Procurement Code and the applicable Utah Administrative Code rules concerning possible conflicts of interest and I understand that I am subject to the Utah Procurement Code and the applicable rules of the Utah Administrative Code at all times during my assigned evaluation committee duties and responsibilities, and the subsequent administration of the awarded contract(s).

I have read this document and understand my obligations as explained herein. I further understand that I must immediately advise Vanguard Academy, in writing, if a conflict currently exists or arises during my term of service as a RFP evaluation committee member. I further understand that I must sign and deliver this statement to Vanguard Academy prior to participating in the evaluation process.

Evaluator Signature: \_\_\_\_\_ Date: \_\_\_\_\_