



Department of Administration
DIVISION OF PURCHASES
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Nancy R. McIntyre, State Purchasing Agent

CONFLICT OF INTEREST AND CONFIDENTIALITY CERTIFICATE

Solicitation /RFP#:	21000563
Solicitation Title:	K-12 School and Higher Education Reopening Plan Consulting Services

1) INSTRUCTIONS:

A “Conflict of Interest and Confidentiality Certificate” must be signed and submitted to the Division of Purchases by any person who participates in the review and/or evaluation of vendor responses (a/k/a “proposals”) issued by the Division of Purchases. The person signing this Certificate affirmatively acknowledges that he or she understands and is bound to the State’s Code of Ethics (R.I. Gen. Laws § 36-14-1 *et seq.*), the State Procurement Code of Ethics and Professional Behavior (220-RICR-30-00-3), and the requirements stated herein.

2) CONFLICT OF INTERESTS

Persons who participate in the review and evaluation of vendor proposals should conduct their personal and business affairs in a manner such that neither a conflict, nor the appearance of a conflict, arises between their interests and the interests of the State. All potential and actual offerors shall be afforded the courtesy of a fair opportunity to present their capabilities and products.

A “**conflict of interest**” occurs when an individual’s private interests or relationships interfere in any way with the interests of the State.

An “**appearance of a conflict of interest**” occurs when an objective outside person, based on the specific facts, could reasonably believe that a conflict exists, even if no actual conflict exists.

It shall be the obligation of all persons involved in the procurement or evaluation process to avoid conflicts of interest and the appearance of a conflict of interest and to report promptly to the Division of Purchases all instances where the person is becomes aware of a conflict, real or is suspected.

Conditions under which a conflict of interest may be held to exist include, but are not limited to, the following:

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Where a person:

- i. Receives personal enrichment as a result of an award; or
- ii. Holds a secured financial or personal interest in an organization offering such goods or services; or
- iii. Receives a direct or indirect financial benefit from a vendor offering such goods or services; or
- iv. Has an immediate family member or blood who will receive a direct or indirect financial benefit from a vendor offering such goods or services (i.e. an immediate family member or blood received relative who holds an equity interest, or a management or directorial position in a firm offering such goods or services);

3) SOCIAL INTERACTION

“Social interaction” between personnel involved in the procurement process and any present or prospective vendors, subcontractors or suppliers and their representatives which creates the impression of favoritism in the mind of an objective person shall be avoided. The responsibility rests on the individual employee to regulate his/her own actions and to seek advice from State Purchasing Agent if concerned about an apparent conflict of interest or the appearance of one.

4) GIFTS AND GRATUITIES

“Gifts and/or gratuities” shall mean anything of value including, but not limited to money, merchandise, tickets, advertising media (any merchandise carrying a vendor's name or logo), gift certificates, trips (individually or in groups), cocktail parties, dinners, evening entertainment, sporting events, etc. which is given to a person free of charge or at a discount of fair market value.

Personnel involved in the procurement or evaluation process are prohibited from accepting any gifts or gratuities in any form and in any amount for themselves, their families (spouses, parents, children, sister, brothers, in-laws, etc.) or others from any vendor, including, but not limited to contractors, consultants, subcontractors, suppliers, etc. who are now furnishing or desiring to furnish goods or services to the State in the future. Unlike the State Ethics Code, which has a *de minimis* exception for gifts under twenty-five dollars (\$25), **individuals participating in the procurement process shall not accept gifts or gratuities in any amount.**

Any form of **bribery or commercial bribery** will not be tolerated and will addressed to the greatest extent possible.

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5) CONSEQUENCES

In the sole discretion of the Chief Purchasing Officer, consequences for violations of the requirements stated herein may include, but are not be limited to, the following:

- a) Reassignment of the state employee involved;
- b) Termination of employment of the state employee involved; and/or
- c) Any other personnel action deemed appropriate; and/or
- d) Suspension or debarment of any and all vendors who may be involved.
- e) The Chief Purchasing Officer may refer the matter to law enforcement and/or the State Ethics Commission where appropriate.

6) CERTIFICATIONS

I hereby certify that the following statements are true, accurate, and based upon personal knowledge:

- a) I was appointed to serve on or advise in the evaluation of vendor responses to the above referenced solicitation; and,
- b) I have read and understand the State’s Code of Ethics (R.I. Gen. Laws § 36-14-1 *et seq.*); and
- c) I have read and understand the “Code of Ethics and Professional Behavior,” of the Division of Purchases’ Procurement Regulations (220-RICR-30-00-3), and
- d) I have read and understand Governor Raimondo’s January 16, 2015 Executive Order No. 15-01 “Ethics and Integrity in Government” (http://www.governor.ri.gov/documents/orders/ExecOrder15-01_01062015.pdf); and
- e) I have participated in any annual ethics training required by the Division of Purchases or the agency in which I work;
- f) In performing my duties on said procurement or evaluation, I agree to the requirements stated herein and in the items b-d stated above; and,
- g) I shall adhere to the highest standards of ethical conduct; respect the public trust and the rights of all persons; be open, accountable and responsive; avoid the appearance of impropriety; and, not use my position for private gain or advantage; and,
- h) I shall promptly report to the Chief Purchasing Officer and/or State Purchasing Agent any conflict of interest which exists or arises from the procurement or evaluation.

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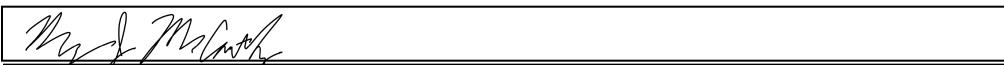
I further agree to abide by the following requirements for strict confidentiality before, during, and after the evaluation process, unless otherwise required by law:

- i) All documents and information relating to vendor proposals (content, budget, approach to problems, staffing) are to be kept in the strictest confidence; and,
- j) Impressions or judgments concerning the proposals are not to be discussed or shared with anyone not officially involved with the evaluation and except for the Division of Purchases' staff; and,
- k) Questions about any specific proposal or the review process are to be directed to the Division of Purchases. Under no circumstances are questions to be addressed to or discussions to be conducted with vendors, members of the public, the press, State agencies, friends, relatives, business associates, or other reviewers not officially involved in the procurement process, unless authorized in writing by the Division of Purchases; and,
- l) Statements and notes of the reviewers are not to be shared with anyone except Division of Purchases' staff; and,
- m) Discussions concerning vendor proposals are to be kept confidential; and,
- n) Proceedings of the evaluation team meetings are to be kept in absolute confidence, except to provide a final evaluation memorandum to the Division of Purchases with the evaluation team's recommendations; and,
- o) All vendor proposals and review materials are to be returned to the Division of Purchases upon completion of the evaluation.

Last, with regard to any vendor responding to this solicitation:

- p) I have no conflict of interest: **Check Here []**
- q) I have had no social interaction: **Check Here []**
- r) I have not received any gift or gratuity: **Check Here []**

By signing this certification, I affirmatively acknowledge that I have read and understand the obligations stated herein and affirmatively agree to these requirements. Moreover, I understand that a violation of these requirements may result in the consequences stated in #5, including, but not limited to, termination from employment.

Signature:	
Print Name:	Thomas J McCarthy
Job Title:	Executive Director, COVID Response

Date: