**Evaluation Committee Member Conflict of Interest**

**RFP #:**     **, Title:**

**23 CFR 1.33 - Conflicts of Interest:**

No official or employee of a State or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector or other person performing services for a State or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by a State or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by a State or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of the State highway department and of such other governmental instrumentality, and such officer, employee or person has not participated in such acquisition for and in behalf of the State. It shall be the responsibility of the State to enforce the requirements of this section.

**Oregon Revised Statue (ORS) 244.010 Policy:**

(1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

(4) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation. [1974 c.72 §§1,1a; 1987 c.566 §7; 2005 c.22 §185; 2007 c.865 §28]

**ORS 244.020 Definitions.** As used in this chapter, unless the context requires otherwise:

(1) “**Actual conflict of interest**” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (11) of this section.

(12) “**Potential conflict of interest**” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person’s official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

(14) “Public official” means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services.

Evaluation Committee Members are encouraged to review the referenced statutes in their entirety prior to signing this Certification. **Please sign below and return to the assigned procurement coordinator before you begin your evaluation.**

I hereby certify that:

I have read and understand the above laws regarding conflicts of interest; and

[ ]  A conflict of interest does exist, and I have identified it on the Attachment to COI Certification.

[ ]  A potential conflict of interest may exist, and I have identified it on the Attachment to COI Certification.

[ ]  No actual or potential conflict of interest exists as defined therein; and

 If such a conflict should arise, I will immediately notify the assigned PCS and disqualify myself from the evaluation process for this procurement.

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**SIGNATURE -** Evaluation Committee Member Title Date

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Printed Name Office Telephone Number

 **(To be completed only if there is a potential or actual conflict of interest)**

RFP #:      , Title:

***ATTACHMENT TO***

**EVALUATION COMMITTEE MEMBER**

**CONFLICT OF INTEREST CERTIFICATION**

This disclosure statement outlines potential conflicts of interest, either real or apparent, as a result of a direct or indirect financial interest on my part or that of any member of my immediate family, or of my employer, partner(s), or joint venturers, in any firm under consideration for the above referenced RFP. Section I of this disclosure statement describes the potential conflicts of interest. Section II of this disclosure statement describes the management plan for dealing with the potential conflicts of interests as described in Section I of this disclosure statement. I acknowledge that the Procurement Coordinator may require revisions to the management plan described in Section II of this disclosure statement prior to approving it and that the Procurement Office has the right, in its sole discretion, to limit or prohibit my involvement in the Evaluation Committee as a result of the potential conflicts of interest described in Section I of this disclosure statement. Attach additional pages as necessary.

SECTION I – DESCRIPTION OF POTENTIAL CONFLICTS OF INTEREST

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SECTION II –PLAN FOR MANAGING POTENTIAL CONFLICT OF INTEREST

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Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:

Name and Title:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Representing:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved by the Procurement Office

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:

Name and Title:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Procurement Coordinator