

UC PROCUREMENT SERVICES REPORT AND CERTIFICATION OF PROPOSED TRANSACTION INVOLVING A POTENTIAL CONFLICT OF INTEREST

Additional instructions and information is available on the last two pages of this document.

Each person or company offering to provide goods or services to the University must complete this form **if that person or company meets any of the below criteria***:

- A. is a current UC employee
- B. is a former UC employee, who has been separated for less than two (2) years (retired, dismissed, separated, or formerly employed) **This form is not needed if the employee has been separated for more than two years**
- C. is a current UC employee, who owns or controls ten percent (10%) or greater interest in a business that will provide goods or services to the University
- D. is a near relative of a current UC employee (spouse, child, parent, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step relatives in the same relationship)
- E. is a near relative of a current UC employee, when that near relative owns or controls ten percent (10%) or greater interest in a business that will provide goods or services to the University.
- F. Any UC employee will be paid by the proposed company for the proposed transaction.

| | |
|---|----------------------|
| Full Legal Name of proposed supplier: | Name of UC Employee: |
| Which of the above listed criteria (A-F) best meets your situation? | |

To be completed by the UC Employee, Former UC Employee, or the Employee for which the Near Relative relationship exists

I am a:

current UC employee

| | | |
|--|---------------------------|-----------|
| UC location where employed | Department where employed | Job Title |
| Does your position include teaching or research responsibilities? <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| Description of UC employment job duties: | | |

former UC employee, who has been separated for less than two (2) years (retired, dismissed, separated, or formerly employed)

| | | | |
|----------------------------|---------------------------|-----------|------------------|
| UC location where employed | Department where employed | Job Title | Separation Date: |
|----------------------------|---------------------------|-----------|------------------|

near relative of a current UC employee (spouse, child, parent, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step relatives and domestic partners in the same relationship)

| | |
|-------------------------------------|--|
| Name of relative (UC employee) | Relationship to current UC employee |
| Relative's UC Campus and Department | Does your near relative UC employee's position include teaching or research responsibilities? <input type="checkbox"/> YES <input type="checkbox"/> NO |

**if none of the above boxes are selected because none of the above apply, this form does not need to be filled out by the person/company*

Current and former employees ONLY: Do you/Did engage in any of the negotiations, transactions, planning, arrangements, or any part of the decision making process relevant to the transaction while employed by any University location? YES NO

Current and former employees ONLY: Has any/Did any of your University time, University material, University equipment, or was University facilities used or will be used in connection with the proposed transaction? YES NO

Relatives of UC employees ONLY: Does your near relative have any past, current, or future responsibility for, involvement in, or direct or indirect influence on any of the negotiations, transactions, planning, arrangements, or any part of the decision making process relevant to the proposed transaction? YES NO

For former employees ONLY: did you hold a policy-making position in the same general subject area as the proposed transaction, during the last twelve (12) months of UC employment? YES NO

If you checked **YES** to any of the above questions, please explain. Attach additional doc file if needed:

MANDATORY SECTION DO NOT LEAVE BLANK

Describe the goods &/or services & the UC Campus and Department being provided the goods and/or services :

Have the goods and/or services already been provided to the UC? YES NO

Are these goods and/or services available in the commercial market by other providers? YES NO

I certify that the above information is true: _____
Signature of UC employee, former UC employee, or near relative of current UC employee completing this form

Date: _____

UC Department Certification (only required when contracting with a **current** UC employee or if **current** UC employee has a **10% interest in the company**)

Are these goods and/or services available from the University's own facilities? YES NO

How did your department learn of this provider & why did you choose this provider?

| | | |
|---|-----------|------|
| Department Finance Leader/Supervisor Name | Signature | Date |
|---|-----------|------|

UC LOCATION PROCUREMENT ONLY

Has this supplier gone through the conflict of interest process before (check the COI database)? YES NO

If Yes, what was the determination? _____

| | | |
|---|------------------|------|
| Procurement Manager | Materiel Manager | Date |
| <input type="checkbox"/> Approves <input type="checkbox"/> Denies | | |
| <input type="checkbox"/> Check here if the "UC Justification For Proposed Transaction Involving a Potential Conflict of Interest" is attached | | |

University Policy Regarding Employee-Supplier Relationships

DEFINITIONS

EMPLOYEE - any individual who is presently employed by the University.

NEAR RELATIVE - spouse, child, parent, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step relatives in the same relationship.

EMPLOYEE-SUPPLIER RELATIONSHIP - a relationship in which an employee, former employee, or near relative, is the business owner or has a 10% interest in the business, or acts as an independent contractor for the purpose of renting or selling goods or providing services to the University.

POLICY

SEPARATION OF INTERESTS - It is the policy of the University to separate an employee's University and private interests, and to safeguard the University and its employees against charges of favoritism in acquisition of goods and services.

CONFLICT OF INTEREST - The State of California Political Reform Act prohibits an employee from making or participating in the making of a decision if a financial conflict of interest exists. Requirements governing such decision-making are set forth in the University's Conflict of Interest Code and shall be observed in purchases of goods and services by the University.

DETERMINATION - No purchase or lease of goods or contract for services shall be made from any employee or near relative unless there has been a specific determination by the Materiel Manager, or designee, that the goods or services are not available either from commercial sources or from the University's own facilities.

PRIVACY NOTIFICATION

The State of California Information Practices Act of 1977 requires the University to provide the following information to individuals who are asked to provide information about themselves:

The principal purpose for requesting the information on this form is to determine any possible conflict of interest which might be involved in a proposed University purchasing transaction. University policy authorizes maintenance of this information.

Furnishing all information required on this form is mandatory - failure to provide such information will delay or may even prevent completion of the action for which the form is being filled out.

Information furnished on this form may be used by various University departments as required in the regular course of business and will be transmitted to the state and federal governments if required by law.

You have the right to review personal information maintained about you in accordance with University policy and may contact the office of record maintaining such information. The official responsible for maintaining the information contained on this form is the Procurement Manager, University of California, Berkeley, 1608 4th Street, CA 94710.

Conflict of Interest Disclosure Information

Source: BUS-43 Policy (Purchases of Goods and Services; Supply Chain Management)

Purpose of Policy: to maintain a separation of employee's University and private interests, and to safeguard the University of California and its employees from charges of favoritism in the acquisition of goods and services. The rules below apply restrictions on Purchases/Leases/Contracts in the following situations:

Employee-Supplier Relationship:

An employee, acting alone, **proposes** for a consideration to lease or sell goods or to provide services to University of California departments; or an employee who owns or controls more than 10% interest in any business which **proposes** for a consideration to lease or sell goods or to provide services to University of California departments.

→The University may enter into a contract for goods or services with an employee who has teaching or research responsibilities, or a student employee, provided that: the Procurement/Supply Chain Director (or designee) has made a specific determination that the goods or services are not available either from commercial sources or from within the University.

Former employee-Supplier Relationship:

A former employee acting alone, **proposes** for a consideration to lease or sell goods or to provide services to University departments, this includes a former employee or retiree who has had teaching or research responsibilities, when:

1. Less than two years' time has elapsed since the individual separated from University employment, and the individual had been engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract during the period of employment; or
2. Less than one year's time has elapsed since the individual separated from University employment, and the individual had been employed by a department in a policy-making position in the same general subject area as the proposed contract.

→ Nevertheless, the University may enter into a contract for services with a **retiree** immediately following retirement **if the retiree did not participate in any way while serving as an employee, in the making of the contract for services.**

Note: IRS Rules, in general, do not allow an individual to receive a W2 and 1099 in the same tax year, so the employee or retiree should not be hired as a contractor if they left UC Berkeley in the same calendar year.

Near Relative of an Employee-Supplier Relationship:

The near relative of an employee, acting alone, **proposes** for a consideration to lease or sell goods or to provide services to University departments, when the employee has, in any connections with his or her University employment, any responsibility for or will be involved in any manner, in the department's decision to accomplish or approve the transactions; OR

The near relative of an employee owns or controls more than a 10% interest in a business, which **proposes** for a consideration to lease or sell goods or to provide services to University departments, when the employee has, in any connection with his or her University employment, any responsibility for or will be involved in any manner in the department's decision to accomplish or approve the transactions.

1. University may purchase or lease goods from, or purchase services with the near relative of any employee, provided that the Procurement/Supply Chain Director or designee has made a specific determination that the goods or services are not available from the University's own facilities, and
2. the employee: does not have, or has not had any responsibility for, or will be involved in any manner, in the department's decision to accomplish or approve the transaction(s);
3. and, does not have a personal financial interest in the transaction, or does not own or control more than a 10% interest in the business which proposes to lease or sell goods or to provide services to the University.