

## **CONFLICT OF INTEREST**

Each entity responding to a DRPT published RFP shall identify potential conflicts of interest or a real or perceived competitive advantage relative to the procurement. Prior or existing contractual obligations between a company and a federal, state, or local agency relative to the project or DRPT's program may present a conflict of interest or a competitive advantage. If a potential conflict of interest or competitive advantage is identified, the responding entity shall submit in writing the pertinent information to DRPT's point of contact as identified in the solicitation.

DRPT, in its sole discretion, will make a determination relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to the procurement that cannot be mitigated, shall not be allowed to participate as a team member for the project. Failure to abide by DRPT's determination in this matter may result in a proposal being declared non-responsive.

Conflicts of interest and a real or perceived competitive advantage are described in state and federal law, and, for example, may include, but are not limited to, the following situations:

1. An organization or individual hired by DRPT to provide assistance in development of instructions to responding to RFPs or evaluation criteria for the project.
2. An organization or individual hired by DRPT to provide assistance in development of instructions to entities responding to RFPs or evaluation criteria as part of the programmatic guidance or procurement documents for DRPT's program, and as a result has a unique competitive advantage relative to the project.
3. An organization or individual with a present or former contract with DRPT or other state or federal departments or agencies to prepare work product for the Project, and has a potential competitive advantage because such work product is not available to all potential entities responding to RFPs in a timely manner prior to the procurement process.
4. An organization or individual with a present or former contract with DRPT to provide assistance in contract administration for the project.

DRPT reserves the right, in its sole discretion, to make determinations relative to potential conflicts of interest on a project specific basis.

DRPT may, in its sole discretion, determine that a conflict of interest or a real or perceived competitive advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary by Virginia law, the entity responding to the RFP will be given the opportunity to waive this protection from disclosure. If the entity responding to the RFP elects not to disclose, the entity may be declared non-responsive.