

1230.0750 ORGANIZATIONAL CONFLICTS OF INTEREST.

Subpart 1. **Disclosure requirements.** A vendor who is aware of an actual or potential conflict of interest as defined in Minnesota Statutes, section 16C.02, subdivision 10a, prior to the submission of a response to a solicitation or who becomes aware of an actual or potential conflict of interest during the term of a contract shall disclose the following information to the director of the division:

- A. the identity of the parties involved in the actual or potential conflict;
- B. the facts that give rise to the actual or potential conflict; and
- C. any measures the vendor proposes to avoid, mitigate, or neutralize the conflict if possible.

Subp. 2. **Cooperation required.** In the event an actual or potential organizational conflict of interest is identified with respect to a pending or existing contract, the vendor shall cooperate with the director to explore potential measures to avoid, mitigate, or neutralize the conflict. These measures include, but are not limited to, amending the scope of work to exclude the tasks that give rise to the conflict or disclosing information for distribution to other responding vendors.

Subp. 3. **Remedies.** If an organizational conflict of interest for a particular contract cannot reasonably be avoided, mitigated, or neutralized, a vendor may be disqualified from participation in the solicitation process for that contract. If the conflict is identified after the contract has become effective, the contract is subject to immediate cancellation. Pursuant to Minnesota Statutes, section 16C.04, subdivision 3, paragraph (b), the commissioner may waive the requirement to avoid, mitigate, or neutralize an organizational conflict of interest if vital operations of the state will be jeopardized. Vital operations include contracts relating to public health, welfare or safety, or contracts that are necessary to avoid a disruption in essential state functions.

Subp. 4. **Public data.** Data generated under this part becomes public in accordance with Minnesota Statutes, section 13.591.

Statutory Authority: *MS s 16B.04; 16C.03; 16C.16; 16C.19*

History: *28 SR 499*

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