



UTAH INLAND
PORT AUTHORITY

Procurement

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Revision Table

Version	Effective Date	Revision Author	Summary of Revisions
2.0		Amy Brown Coffin	Defined Roles & Responsibilities to include segregation of duties; Removed Procurement to Meet Existing Needs as an independent procurement type; Added Conflict of Interest; Updated Purchasing Matrix; Added RFP Conflict of Interest and Confidentiality Exhibit
1.1	May 4, 2022	Amy Brown Coffin	Updated to new template

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I. Purpose Statement

This policy sets forth the process to govern purchasing that benefits the Utah Inland Port Authority (UIPA) and complies with and helps fulfill stated statutory purposes.

II. Regulatory / Legislative Requirements

None

III. Scope

This policy is designed to provide fair and equitable treatment of persons dealing with UIPA procurement, provide for the economical and efficient purchase of supplies and services for UIPA staff to follow.

IV. References

- R33-24-104 Socialization with Vendors and Contractors
- R33-24-105 Financial Conflict of Interests Prohibited
- R33-24-106 Personal Relationship, Favoritism, or Bias Prohibitions
- R33-24-107 Professional Relationships and Social Acquaintances Not Prohibited
- UIPA PO-02 Code of Conduct Policy
- UIPA PO-11 Segregation of Duties Policy
- UIPA PO-14 Contracts Policy

V. Definitions

Term	Definition
Procurement	The buying, purchasing, renting, leasing or otherwise acquiring of any supplies, services, or construction.
Request for Proposals	(RFP) all documents utilized for soliciting proposals including those which are attached or incorporated by reference.
Services	The furnishing of labor, time, or effort by any person, including professional services. These services do not include labor, effort, or work provided under an employment agreement.
Supplies	All property, including but not limited to goods, equipment, materials, printing, insurance, and leases of real property, excluding land or permanent interest in land.



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VI. Roles & Responsibilities

Role	Responsibility
Chief Compliance Officer	<ul style="list-style-type: none">• Provide written approval for sole source procurements that includes rationale for sole source• Ensure compliance with state surplus and asset management requirements• Establish and maintain appropriate RFP forms & templates
Chief Financial Officer	<ul style="list-style-type: none">• Authority to sign all agreements and documents necessary to make purchases
Chief Operations Officer	<ul style="list-style-type: none">• Work with State of Utah Surplus Project program to sell, trade or disposing of surplus property belonging to UIPA
Executive Director	<ul style="list-style-type: none">• Provide written approval for sole source procurements that includes rationale for sole source• Signatory for all contracts• Approve contract extensions and changes if funding is within the approved annual budget amounts
Solicitation Officer	<ul style="list-style-type: none">• Oversee evaluation committee• Collect evaluation committee reviews• Author bid specifications, issuance of solicitations, and the inspection (minimum mandatories), review, and acceptance of proposals• Work with State Purchasing to post solicitations• Review solicitation pricing and enter pricing into final results
UIPA Board	<ul style="list-style-type: none">• Approve large (> \$50,000) sole source contracts• Approve major capital projects

VII. Policy

This policy applies to the procurement of supplies and services. It shall apply to every expenditure of public funds by UIPA and to any public purchase irrespective of the source of the funds. If the procurement involves the expenditure of federal assistance or grant funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulation and this policy. Nothing in this policy shall prevent UIPA from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law. All procurement types require a separation of duties so that the individual requesting and/or approving the purchase is not the same individual who is authorizing to sign for the good or service. All UIPA must comply with the UIPA Segregation of Duties and the UIPA Contracts Policy as it relates to procurement and acquisition of goods and services.

VIII. Methods and Procedures for Procurement

These methods are outlined in [Purchasing Matrix attached as Exhibit A](#).



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Competitive Sealed Bidding

All UIPA purchases shall be awarded by use of competitive sealed bidding except as otherwise provided by this Policy (e.g., see the [Purchasing Matrix attached as Exhibit A](#)). UIPA may utilize State Purchasing, including the submission portal when soliciting bids. Each solicitation will have its own evaluation criteria.

Invitation for Bids

Each competitive sealed bid shall be commenced by the Solicitation Officer issuing an Invitation for Bids which shall include specifications, all contractual terms and conditions applicable to the procurement and any other information deemed appropriate.

Public Notice

All noticing shall be handled by the Solicitation Officer in conjunction with State Purchasing. Adequate public notice shall be given for a reasonable time and not less than seven (7) Business Days prior to the date set forth for an opening of bids.

Bid Opening

All bids shall be accepted and opened by the Solicitation Officer. Bids shall be publicly opened in the presence of one or more witnesses.

Evaluation

The solicitation shall state the relative importance of price and other evaluation factors. No criteria may be used in a solicitation response evaluation that is not set forth in the solicitation. The Evaluation Committee Lead will be responsible for overseeing the evaluation process with the designated evaluation committee members. An evaluation committee must have at least 3 members.

Award

The purchase shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation of bids. Special interest groups should be limited to non-scoring committee members.

Cancellation of Invitation of Bids

An invitation for bids may be canceled by the Solicitation Officer in whole or in part when it is in the best interest of UIPA.

Competitive Sealed Proposals

The Executive Director may determine that the use of competitive sealed bidding, specifically for concession agreements, is either not practicable or not advantageous to UIPA; in that case a purchase may be made by use of the competitive sealed proposals method. UIPA may utilize State Purchasing, including the submission portal when soliciting proposals. Each solicitation will have its own evaluation criteria.

Invitation for Bids

Competitive sealed proposals shall be solicited through a request for proposals ("RFP").

Notice

Adequate public notice of the solicitation shall be given in the same manner as required for competitive sealed bids.



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Evaluation

The solicitation shall state the relative importance of evaluation factors. No criteria may be used in a solicitation response evaluation that is not set forth in the solicitation. The Evaluation Committee lead will be responsible for overseeing the evaluation process with the designated evaluation committee members. An evaluation committee must have at least 3 members.

UIPA's Evaluation Committee lead may have discussions with responsible bidders and revisions to the solicitation may be allowed.

Award

Award shall be made to the responsible bidder whose proposal is deemed by the evaluation committee to bring the most value and be the most advantageous to UIPA, which may include price as an evaluation component.

Cancellation of an RFP

Cancellation of an RFP may be made by the Solicitation Officer in whole or in part when it is determined in the best interest of UIPA.

Unsolicited Proposals

UIPA will follow 63G-6a-712 for unsolicited proposals.

IX. Purchase Types

Minimal Purchases

Minimal Purchases are purchases having an aggregate total value with a single vendor of no more than \$5,000.00 annually within the fiscal year. So long as funds used for such purchases are part of the annual approved budget, UIPA staff may make a Minimal Purchase request without following any formal process set forth in this Policy. Notwithstanding this exception, the purchaser shall make a reasonable effort to identify and utilize the lowest responsible provider of the purchase.

Small Purchases

Small Purchases are purchases having an aggregate total value with a single vendor of no more than \$50,000.00 annually within the fiscal year. So long as funds are used for such purchases are part of the annual approved budget, UIPA staff may make a Small Purchase request so long as two or more competitive quotes are received.

State Cooperative Contract Purchasing

If available to UIPA because competitive procurement has already been completed, any item that is a State Cooperative Contract item may be purchased without following the Invitation for Bids or RFP requirements set forth in this Policy.

Government Agency Purchasing

When purchasing Supplies, material, or equipment from a vendor who has been awarded a bid from a local, state, or federal governmental entity within the preceding 90 days at the quoted price available for such items, UIPA need not follow any other bidding requirements.



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Contracting for Designated Professional Services

UIPA may procure Professional Services including but not limited to financial, legal, architects, engineers, accountants, physicians, and construction managers and other similar Professional Services. These Services may be procured via competitive sealed bid based on demonstrated competence and qualification at a fair and reasonable price.

Concession Agreement

UIPA may engage with vendors for a concession agreement that gives the vendor the right to operate a specific business within UIPA owned or leased ground or property.

Contracting with Other Governmental Agencies

Where it is demonstrated that such services provide optimal value, UIPA may contract with a government agency through the use of an interlocal agreement without utilizing the formal procurement procedures set forth in this Policy.

Sole Source Procurement

Sole Source Procurement may arise when UIPA requires a Supply or Service of a unique or specialized nature, and to the best of the requester's knowledge and belief, based upon thorough research, only one known supplier is reasonably available to meet the need; or when specific parts, accessories, equipment, material, Services, proprietary items, or other items are necessary to meet UIPA's needs and there are no comparable items reasonably available; or items are procured for resale. Sole source procurement is not to be used to avoid competition.

UIPA may utilize sole source procurement in lieu of the formal procurement requirements set forth in this Policy when the Executive Director determines that its use is appropriate. This approval must be in writing and stored with the Chief Compliance Officer.

Very Specialized or Confidential Services

The need to procure very specialized or confidential Services may arise when UIPA requires products or Services of a specific or highly specialized, confidential, or secret nature such as security systems or Services to investigate allegations of harassment.

UIPA may utilize very specialized or confidential Services in lieu of the formal procurement requirements set forth in this Policy when the Executive Director determines that its use is appropriate.

Emergencies, Public Threats, and Unforeseen Conditions

Generally, and notwithstanding any other provision of this Policy, an Executive Team member may make emergency procurement of Supplies or Services where there exists a threat to public health, welfare, safety or when an unforeseen condition exists that requires procurement to preserve life or safety.

X. Board Approval

If the board specifically approves within the annual budget specific items for statutory requirements, related projects, and professional services, the UIPA will be able to proceed with obtaining goods and services. However, if a specific good or service is not approved with an annual or amended budget, then board approval will be needed. In addition, if the board approves



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a purchase, lease, sublease or sale of real property, the payment of real estate brokerage fees and leasing or other commissions in connection therewith is assumed and authorized without specific authorization in the board approval.

XI. Conflict of Interest

Any UIPA staff member involved in the RFP process must abide by the UIPA Code of Conduct and disclose any conflicts of interest, including business opportunities and close relative or involvement with third parties.

A conflict of interest or the appearance of a conflict of interest may occur if an evaluation committee member or lead is directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, an evaluation committee member or lead must inform the UIPA Chief Compliance Officer of any potential conflicts of interest. If an evaluation committee member or lead becomes aware of any potential conflict of interest as he or she reviews a proposal, such person must immediately notify the UIPA Chief Compliance Officer. An evaluation committee member may be disqualified if they conduct themselves in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or other business entity, whether through direct association with contract representatives, indirect associations, through recreational activities or otherwise.

The UIPA will adhere to R33-24-14 Socialization with Vendors and Contractors, R33-24-105 Financial Conflicts of Interest Prohibited, R33-24-106 Personal Relationship, Favoritism, or Bias Participation Prohibition, and R33-24-107 Professional Relationships and Social Acquaintances Not Prohibited. In addition, all UIPA staff must adhere to the UIPA Code of Conduct and disclose any outside employment, outside board participation, employment of close relatives or involvement with third parties, business opportunities, outside investments or other financial investment in NW quadrant or port area projects, or conflicts of interest any time they arise.

To assure the integrity of the solicitation process, all evaluation committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement (see [Attachment C](#)).

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Exhibit A – Purchasing Matrix

TYPE OF PURCHASE	DOLLAR AMOUNT	POLICY REQUIREMENTS	INITIAL APPROVAL	SECONDARY APPROVAL
Minimal Purchase	Under \$5,000 annual fiscal year cumulative amount	<u>Minimal Purchase</u> <ul style="list-style-type: none"> Funds must be available Documents retained 	<ul style="list-style-type: none"> Executive Team Member (Excluding CFO) 	<ul style="list-style-type: none"> CFO
Small Purchase	\$5,000 or greater but less than \$50,000 annual fiscal year cumulative amount	<u>Small Purchase</u> <ul style="list-style-type: none"> Minimal of two competitive quotes that include minimum specifications Funds must be available Documents retained 	<ul style="list-style-type: none"> Executive Director 	<ul style="list-style-type: none"> CFO
Anything	\$50,000 or greater annual FY cumulative amount	<u>Competitive Sealed Bid</u> <ul style="list-style-type: none"> Bid proposal 7 days notification using State Purchasing system Notice arranged with State Purchasing > \$250,000 State Purchasing to oversee bidding process 	<ul style="list-style-type: none"> Executive Director > \$250,000 UIPA Board 	<ul style="list-style-type: none"> CFO
Long Term Purchases Contract / Cumulative Contract Value	\$250,000 total contract value	For purchases or contracts > 3 years in term or > \$250,000 cumulative value, the board must approve prior to any purchase.	<ul style="list-style-type: none"> Executive Director UIPA Board 	<ul style="list-style-type: none"> CFO
State Cooperative Contract	Any amount	This may be purchased without a bid process.	<ul style="list-style-type: none"> Executive Team Member (Excluding CFO) > \$5,000 Executive Director 	<ul style="list-style-type: none"> CFO
Professional Services	Any amount	<u>\$0 to < \$50,000</u> Follow minimal purchase process <u>> \$50,000</u> Procured using a competitive seal bid. These Services include lawyers, engineers, architects,	<ul style="list-style-type: none"> Executive Director 	<ul style="list-style-type: none"> CFO



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		auditors, real estate brokers and leasing agents, construction managers, etc. A limited evaluation of expertise and scope must be conducted, approved, and signed off by the Executive Director prior to the RFP being posted.		
Ground or Property Leases	Any amount	Purchases or leases for ground or property	<ul style="list-style-type: none"> ▪ Executive Director ▪ UIPA Board 	<ul style="list-style-type: none"> ▪ CFO
Concession Agreements	Any amount	<u>Competitive Sealed Proposal</u> <ul style="list-style-type: none"> ▪ Concession proposal ▪ 7 days notification using State Purchasing system ▪ Notice arranged with State Purchasing 	<ul style="list-style-type: none"> ▪ Executive Director 	<ul style="list-style-type: none"> ▪ CFO
Government Agency	Any amount	<u>< \$100,000</u> If another governmental entity (local, state, or federal) has awarded a contract to a vendor via a competitive bid process within the past 90 days and the vendor will give the same price, you may purchase without bid procedure. <u>= or > \$100,000</u> Follow competitive sealed bidding process.	<ul style="list-style-type: none"> ▪ Executive Director 	<ul style="list-style-type: none"> ▪ CFO
Interlocal Agreements	Any amount	Purchases from other governmental entities. May be made without bid procedure at any level.	<ul style="list-style-type: none"> ▪ Executive Director 	<ul style="list-style-type: none"> ▪ CFO
Sole Source Purchasing	Any amount	May be made without bid procedure at any level. Must be approved in writing by the Executive Director and Chief Compliance Officer.	<ul style="list-style-type: none"> ▪ Chief Compliance Officer ▪ Executive Director <u>> \$250,000</u> <ul style="list-style-type: none"> ▪ UIPA Board 	<ul style="list-style-type: none"> ▪ CFO
Confidential Services	Any amount	Purchases to obtain confidential Services. May be made without bid procedure at any level.	<ul style="list-style-type: none"> ▪ Executive Director 	<ul style="list-style-type: none"> ▪ CFO
Emergencies	Any amount	Purchases of Supplies, Services, or construction during emergencies. May be made without bid procedure at any level.	<ul style="list-style-type: none"> ▪ Executive Team Member 	<ul style="list-style-type: none"> ▪ Separate Executive Team Member or Their Emergency Delegate

Exhibit B – RFP Conflict of Interest and Confidentiality

Your willingness to participate as an RFP evaluation committee member is an integral part of the procurement process. The Utah Inland Port Authority (“UIPA”) truly appreciates your assistance and expertise.

Your designation as an RFP evaluation committee member requires that you fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein. Under the Utah Administrative Code R33-24-101, “unlawful conduct shall be governed in accordance with the requirements set forth in Sections 63G-6a-2401 through 2407 [of the Utah Procurement Code].” Rule 33-24 of the Utah Administrative Code provides additional requirements and procedures and must be used in conjunction with the Utah Procurement Code.

Confidentiality

The competitive procurement process and the policies of the UIPA ensures that the competitive process operates in a fair and equitable manner. As an RFP evaluation committee member, you may have access to information not generally available to the public and are charged with special professional and ethical responsibilities. This information may include information about proposers that is to be used only during the evaluation process, and for discussion only with fellow RFP evaluation committee members. You shall not communicate the evaluation, scoring, or status of any proposal or business entity at any time prior to, during, or after the procurement process. You shall not use such information obtained as an RFP evaluation committee member for either personal benefit, pecuniary or otherwise, or copy and/or disseminate any portion of any proposal at any time prior to, during, or after the procurement process.

Conflict of Interest

A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, you must inform the UIPA of any potential conflicts of interest. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify the UIPA. You may be disqualified as an RFP evaluation committee member if you conduct yourself in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or other business entity, whether through direct association with contract representatives, indirect associations, through recreational activities or otherwise.

As part of the UIPA Procurement Policy, a conflict of interest includes:

R33-24-104. Socialization with Vendors and Contractors.

(1) A procurement professional shall not:

- (a) participate in social activities with vendors or contractors that will interfere with the proper performance of the procurement professional's duties;
- (b) participate in social activities with vendors or contractors that will lead to unreasonably frequent disqualification of the procurement professional from the procurement process; or
- (c) participate in social activities with vendors or contractors that would appear to a reasonable person to undermine the procurement professional's independence, integrity, or impartiality.



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(2) If an executive branch procurement professional participates in a social activity prohibited under R33-24-104(1) or has a close personal relationship with a vendor or contractor, the procurement professional shall promptly notify their supervisor and the supervisor shall take the appropriate action, which may include removal of the procurement professional from the procurement or contract administration process that is affected.

R33-24-105. Financial Conflict of Interests Prohibited.

(1) A procurement conflict of interest is a situation in which the potential exists for an executive branch employee's personal financial interests, or for the personal financial interests of a family member, to influence, or have the appearance of influencing, the employee's judgment in the execution of the employee's duties and responsibilities when conducting a procurement or administering a contract.

(2) In order to preserve the integrity of the State's procurement process, an executive branch employee may not take part in any procurement process, contracting or contract administration decision:

(a) relating to the employee or a family member of the employee; or

(b) relating to any entity in which the employee or a family member of the employee is an officer, director or partner, or in which the employee or a family member of the employee owns or controls 10% or more of the stock of such entity or holds or directly or indirectly controls an ownership interest of 10% or more in such entity.

(3) If a procurement process, contracting or contract administration matter arises relating to the employee or a family member of the employee, the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the procurement, contracting or administration matter. The employee must also comply with all disclosure requirements in Utah Code Title 67 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

R33-24-106. Personal Relationship, Favoritism, or Bias Participation Prohibitions.

(1) Executive branch employees are prohibited from participating in any and all discussions or decisions relating to the procurement, contracting or administration process if they have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence their independence in performing their assigned duties and responsibilities relating to the procurement process, contracting or contract administration or prevent them from fairly and objectively evaluating a proposal in response to a bid, RFP or other solicitation. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

(2) If an executive branch employee has a personal relationship, favoritism, or bias toward any individual, group, organization, or vendor responding to a bid, RFP or other solicitation, the employee must make a written disclosure to the supervisor and the supervisor shall take appropriate action, which may include recusing the employee from any and all discussions or decisions relating to the solicitation, contracting or administration matter in question. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

R33-24-107. Professional Relationships and Social Acquaintances Not Prohibited.



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(1) It is not a violation for an executive branch employee who participates in discussions or decisions relating to the procurement, contracting or administration process to have a professional relationship or social acquaintance with a person, contractor or vendor responding to a solicitation, or that is under contract with the State, provided that there is compliance with Rule R33-24-105, Rule R33-24-106, the

Utah Public Officers' and Employees' Ethics Act, The Governor's Executive Order (EO 002 2014) "Establishing an Ethics Policy for Executive Branch Agencies and Employees," and other applicable State laws.

To assure the integrity of the RFP process, all RFP evaluation committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement.

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RFP EVALUATOR CONFLICT OF INTEREST/CONFIDENTIALITY STATEMENT

I, _____, as a member of the RFP evaluation committee for Request for Proposal Utah Inland Port Authority **Insert RFP Name** will perform the evaluation under the guidelines, procedures and requirements provided by the UIPA.

Further, I represent as follows:

I, to the best of my knowledge, do not participate in social activities with vendors or contractors that: (a) will interfere with the proper performance of my duties; (b) will lead to unreasonably frequent disqualification of me from the procurement process; or (c) would appear to a reasonable person to undermine my independence, integrity, or impartiality.

I, to the best of my knowledge, do not have a conflict of interest with vendors or contractors in which the potential exists for my personal financial interests, or for the personal financial interests of a family member, to influence, or have the appearance of influencing my judgment in the execution of my evaluation committee duties and responsibilities.

I have not received any compensation from any employee, consultant, or anyone working for any vendor or contractor currently responding to a solicitation or who currently has a contract with the UIPA.

I will not participate in any discussions or decisions relating to this RFP, if I have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence my independence in performing my assigned evaluation committee duties and responsibilities or prevent me from fairly and objectively evaluating a proposal.

I will conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

I understand that all information contained in the proposals and information regarding the evaluation process is protected and cannot be released or discussed in any manner with other offerors or individuals not involved in the evaluation process. I agree that I will not discuss or share any information provided in the proposals or interviews with anyone other than the selection committee members and the UIPA designated evaluation committee lead prior to the completion of the evaluation and selection process, and I will not discuss or disseminate the deliberations of the selection committee, the basis for the selection, or any information identified as protected.

I have read this document and understand my obligations as explained herein. I further understand that I must immediately advise the UIPA, in writing, if a conflict currently exists or arises during my term of service as an RFP evaluation committee member. I further understand that I must sign and deliver this statement to the UIPA Chief of Compliance prior to participating in the evaluation process.

Evaluator Signature: _____ Date: _____