

Non-Disclosure Agreements and Conflict of Interest Disclosures

To safeguard the integrity of the evaluation process, individuals serving on an evaluation committee or as technical advisors must sign a non-disclosure agreement prior to receiving the responses or participating in evaluation committee activities. Committee members may not communicate with respondents or anyone else outside the committee regarding the responses received or the evaluation process without prior approval of the Contract Developer or the agency legal counsel, as appropriate. Examples of permitted communications may include the Contract Developer's coordination of the committee's consultation with authorized technical advisors and the committee's attendance at oral presentations.

The agency must also conduct a due diligence inquiry as to the evaluation committee members and technical advisors' actual and potential conflicts of interest related to the submitted responses. It is best practice for the Contract Developer to provide the names of the respondents and proposed subcontractors to the committee members and any assigned technical advisors prior to providing access to the responses. As an agency internal policy, the agency may utilize an agency specific conflict of interest statement for compliance with conflict of interest disclosure requirements specified by law or agency policy.³²⁹ For procurements with an expected value of \$1 million or more, the SAO Nepotism Disclosure Statement for Purchasing Personnel must also be utilized. Any actual or potential conflicts of interest must be reported promptly to agency legal counsel.

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[TEX. GOV'T CODE § 2261.252\(a\)](#) (Each state agency employee or official who is involved in procurement or in contract management for a state agency shall disclose to the agency any potential conflict of interest specified by state law or agency policy that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor by the agency); [TEX. GOV'T CODE § 2261.252\(a-1\)](#) (A state agency employee or official is required to disclose any potential conflict of interest specified by state law or agency policy that is known by the employee or official at any time during: (1) the procurement process, from the initial request for bids for the purchase of goods or services from a private vendor until the completed final delivery of the goods or services; or (2) the term of a contract with a private Vendor).