

State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

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|------------------------------------|--------------------------|----------------------|
| | | Number PRO-C-28 |
| | | Effective 12-1-83 |
| Section THE PROCUREMENT PROCESS | Agencies Affected ALL | Replaces PRO-I-6 |
| Title DISCLOSURE | Page 1 of 2 | |

AUTHORITY: Wis. Stats. 16.705(5)
 16.77(2)
 19.45(6)
 Wis. Adm. Code Chapter Adm 10.10

SCOPE: - to establish policy and procedure related to disclosure

CONTENT: I. Any bidder or proposer, other than a political subdivision of the state, includes with the bid or proposal a written statement that discloses and provides relevant information on any of the following conditions should they exist:

A. An officer or an employe of the contracting or procuring agency, or his or her immediate family owns or controls, directly or indirectly, any equity, or is associated with the bidder or proposer;

B. The bidder or proposer currently employs, or has offered or agreed to employ, any person who is or has been an officer or employe of the contracting or procuring agency within the 12 month period preceding the bid or proposal; or

C. The bidder or proposer has a contract for materials, supplies, equipment, or contractual services with the contracting or procuring agency or provides or anticipates providing materials, supplies, equipment, or contractual services during the term of the contract to, a person or organization that is regulated by, or receives state funds from, the contracting or procuring agency.

II. If none of the above conditions exist, the bidder or proposer includes, with any bid or proposal, a written statement to that effect.

III. The contracting or procuring agency reviews the statement and prepares a written determination on whether or not the information disclosed under I. above interferes with fair competition and whether or not, in spite of the information disclosed, the awarding of the contract to the bidder or proposer will be in the best interest of the state.

Authorized:



Director
State Bureau of Procurement

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- IV. The State Bureau of Procurement will review the determination by the contracting or procuring agency. If the Bureau does not concur in that determination, the Bureau will not approve the contract.
- V. All contracts will provide that if the bidder or proposer has failed to disclose any conditions described under I. above, the contract may be declared to be void by the Bureau and any amounts paid under the contract may be recovered as provided in s. 16.77 (2), Wis. Stats.
- VI. No disclosure is required if state or federal law prohibits the disclosure, or the relationship does not create a conflict of interest and loss of independence, or the disclosure is improper under standards of professional conduct adopted by, or administrative rules of, the state agency or agency of the judicial branch that is responsible for regulating or licensing the occupational group of which the bidder or proposer is a member.

Authorized:



Director
State Bureau of Procurement