

CONFLICT OF INTEREST

Vendors shall be familiar and comply with all applicable conflict of interest legal requirements including Florida's Code of Ethics for Public Officers, Chapter 112, Part III, Florida Statutes. The City of Miami ("City") will not contract or transact business with a vendor, and any contract with a vendor shall be void, if a conflict of interest under State or local laws occurs and neither an exemption nor opportunity to waive the conflict exists, or an opportunity to waive the conflict exists but the City does not waive it. If a conflict of interest is waivable, the City shall have the sole authority to waive the conflict.

DISCLOSURE:

Vendors must complete and submit the attached Conflict of Interest Disclosure Affidavit.

The Affidavit must be signed by an officer of the corporation if the vendor is a corporation or by an authorized individual if the business is other than a corporation, and notarized by notary public. The Vendor may disclose any additional information in the Affidavit regarding the existence or appearance of a conflict of interest under state or local laws. Whenever a vendor is in doubt as to the applicability state or local conflict of interest law as to itself, the vendor may submit to the Office of the City Attorney a full written statement of the facts and questions the vendor has, and the Office of the City Attorney shall render an opinion to the vendor. The failure to complete and submit the Affidavit with the proposal/bid will render the vendor non-responsible and the proposal non-responsive. If the vendor or authorized agent omits, misrepresents or falsifies material information required by the Affidavit, the vendor shall be rendered non-responsible and the proposal bid non-responsive, and if a proposal bid is selected forward and/or contract negotiation and execution, the selection of the vendor and any executed contract shall be void.

POLICY:

The City shall transact business in accordance with all Conflict of Interest and Code of Ethics Ordinances.

PROCEDURE:

- A. All persons, corporations, partnerships, firms or other business entities transacting business with the City shall be familiar and comply with local and state conflict of interest laws, ordinances, policies or directives (hereinafter "conflict of interest law").
- B. The City will not contract or transact business with a person, corporation, partnership, firm or other business entity in the event of a conflict of interest -under state or local law if:
 - (1) neither an exemption nor opportunity to waive the conflict of interest exists; or
 - (2) an opportunity to waive the conflict exists, but the City does not waive it. If a conflict of interest is waivable, the City Commission shall have the sole Authority for waiving it.
- C. Each person, corporation, partnership, form or other business entity transacting business with the City having a commercial value of \$25,000.00 or more, including without limitation construction and procurement transactions, shall complete and submit to the City, the Disclosure Affidavit at the time of submission of a bid or proposal, or if no bid or proposal is submitted, prior to transacting business with the City.
 - (1) Failure to complete and submit the Disclosure Affidavit at the time of submission of the bid or proposal may render the bid or proposal non-responsive. Additionally, if the bidder or proposer materially omits, misrepresents or falsifies information required by the Affidavit, the bid or proposal shall be non-responsive, and the bidder or proposer non-responsible; provided that if a contract was awarded, the contract shall be void.
 - (2) If a transaction does not involve an invitation to bid or request for proposal, the failure to complete and submit the Disclosure Affidavit prior to transacting business with the City, may void the contract. Additionally, if the contracting party materially omits, misrepresents or falsifies information required by the Affidavit, the contract shall be void.
- D. Whenever any person is in doubt as to the applicability of conflict of interest law to himself or herself or his or her company, that person may submit to the Office of the City Attorney a full written statement of the facts and questions he or she has. The Office of the City Attorney shall render an opinion to that person.
- E. If the bid or proposal or proposed contract creates a conflict of interest which is exempted under state or local law or is eligible for a waiver of a conflict of interest, and the bid or Proposal or proposed contract is otherwise recommended for award, staff shall forward same to the City Commission.
- F. If the bid or proposal or the proposed contract is not eligible for a waiver of a conflict of interest and is not otherwise exempted from conflict of interest law, the bid or proposal Shall be rejected as non-responsive, or the proposed contract shall not be awarded.

DISCLOSURE AFFIDAVIT

I _____, being first duly sworn, state:

The full legal name and business address of the person or entity contracting or transacting business with the City of Miami are:

The business is formed as a:

corporation

limited partnership

general partnership

sole proprietorship

other

(if other, please explain)

The business was formed or incorporated in the following year and state:

The business is registered in the following state(s):

I. FOR CORPORATIONS:

- A. The following trustees, advisory board members or purchasing agents of the City or their spouses or children are officers or directors of the corporation:

- B. The following trustees, advisory board members or purchasing agents of the City or their spouses or children or any combination thereof hold directly or indirectly more than 5% but less than 10% ownership in the corporation's stock:

- C. The following trustees, advisory board members or employees of the City or their spouses, children or parents hold directly or indirectly 10% or more of the ownership in the corporation's stock:

- D. The following trustees, advisory board members or employees of the City are employees of or in a contractual relationship with the corporation:

II. FOR PARTNERSHIPS, FIRMS OR OTHER BUSINESS ENTITY
(excluding corporations)

1. The following trustees, advisory board members or purchasing agents of the City or their spouses or children are partners, officers or proprietors:

2. The following trustees, advisory board members or purchasing agents of the City or their spouses or children or any combination thereof own, directly or indirectly, more than 5% but less than 10% of the firm, partnership or other business entity:

3. The following trustees, advisory board members or employees of the City or their spouses, children or parents own, directly or indirectly, 10% or more of the firm, partnership, or other business entity:

4. The following trustees, advisory board members or employees of the City are employees of or in a contractual relationship with the firm, partnership or other business entity.

III. FOR INDIVIDUALS

1. The individual seeking to contract or to transact business with the City is a trustee, advisory board member or employee of the City or the spouse, child or parent of a trustee, advisory board member or employee of the City:

2. The following trustees, advisory board members or employees of the City are employees of or in a contractual relationship with the individual:

IV. SUPPLEMENTAL INFORMATION:
NOT USED

V. REQUEST FOR LEGAL OPINION:

Wherever the Bidder is in doubt as to the applicability of state or local conflict of interest law as to him or herself, the Bidder may submit to the Office of the City Attorney a full written statement of the facts and questions the Bidder has; and the Office of the City Attorney shall render an opinion to the Bidder.

