Conflict of Interest Certification

A. This certification shall be completed by the Proposer and any proposed subcontractors and submitted with the Letter Intent of the proposal.

B. The California Department of Public Health (CDPH) intends to avoid conflicts of interest or the appearance of conflicts of interest on the part of the Contractor, subcontractors, and employees, officers, and directors of the Contractor or subcontractors. Thus, CDPH reserves the right to determine, at its sole discretion, whether any information received from any source indicates the existence of a conflict of interest. For purposes of this certification and disclosing conflicts of interest, "Proposer/Contractor" includes holding companies, parent companies, and affiliate companies. Because of the complexities involved in defining potential conflicts of interest with the mission of CDPH, CDPH reserves the right to request further information if needed.

C. Conflicts of interest include, but are not limited to, the following examples:

   1. An instance when the Proposer/Contractor or any of its subcontractors, or any employee, officer, or director of the Proposer/Contractor or any subcontractor has responsibility for the planning, development, data collection, analysis or evaluation for the CDPH, California Tobacco Control Program Media Campaign Evaluation and simultaneously has a direct, contractual, advisory or corporate responsibility to conduct evaluation, surveillance or research for any entity involved with the development, manufacturing, production, sale or distribution of tobacco products or to promote, or assist in the promotion of, the use of, or the sale of tobacco products, including e-cigarettes, for a company involved in, or company with a subsidiary involved in, the production, distribution, or marketing of tobacco or electronic tobacco products.

   2. An instance when the Proposer/Contractor or any of its subcontractors, or any employee, officer, or director of the Proposer/Contractor or any subcontractor holds a position of interest, financial or otherwise, which would allow use or disclosure of information obtained while performing services for the Media Campaign Evaluation, for private or personal benefit or for any purpose that is contrary to the goals and objectives of the Media Campaign Evaluation.

D. If CDPH is aware of a known or suspected conflict of interest, the Proposer or Contractor will be given an opportunity to submit additional information or to resolve the conflict. A Proposer or Contractor with a suspected conflict of interest will have five (5) working days from the date of notification of the conflict by CDPH to provide complete information regarding the suspected conflict. If a conflict of interest is determined to exist by CDPH and cannot be resolved to the satisfaction of CDPH, before or after the award of the contract, the conflict will be grounds for rejection of the proposal and/or termination of the contract.

E. The Proposer shall submit this Conflict of Interest Certification. This Certificate shall bear the original signature of an official or employee of the Proposer who is authorized to bind the Proposer.

F. This Certificate will be incorporated into the contract, if any, awarded from this Request for Proposals. The Contractor shall obtain a completed Certificate from any proposed subcontractor and submit it to CDPH prior to commencement of work by the subcontractor.

G. During the entire term of the contract the Contractor and each subcontractor, via the Contractor, shall notify CDPH, California Tobacco Control Program, MS 7206, 1616 Capitol Avenue, Suite 74.516, Sacramento, CA 95814 within ten (10) working days of any change to the information provided on this Certificate.

H. CDPH's determination of a suspected or potential conflict of interest will be based on all of the Proposer's business affiliations and contractual relationships. If the Proposer or any of its subsidiaries or its parent company is in any way connected to, and/or involved with, and/or engaged in the exchange of information with a company involved in, or company with a subsidiary involved in the production, distribution, or marketing of tobacco products, including e-cigarettes, the Proposer will be deemed to have a potential conflict of interest.

I. If the Proposer has a suspected or potential conflict of interest, the Proposer shall attach to this form a description of the relationship, a plan for ensuring that such a relationship will not adversely affect CDPH, and procedures to guard against the existence of an actual conflict of interest.

The undersigned hereby affirms that (check one):

☐ The statements above have been read, and the undersigned agency has determined that no conflict of interest exists.

☐ A suspected or potential conflict of interest does exist, and additional information (as described in I. above) is attached along with a plan to address the possible conflict of interest.

Signed: _____ Title: _____

Date: _____

Type or Print Name of Authorized Representative:

_____

Company or Agency Name:

_____