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|  Research & Sponsored Programs UNIVERSITY OF DENVER | Office of Research and Sponsored Programs Policy Manual Procurement Integrity |
| Supersedes Document Dated: 07/01/2004 | Policy Number: ORSP-23 |
| Recommended By: Director of Sponsored Programs Administration; Director of Procurement Approved By: Senior Vice Provost for Research and Graduate Education | Effective Date: 08/15/2023 |

1. PURPOSE

To comply with the Procurement Integrity Act (41 USC 423) and the Office of Federal Procurement Policy Act (41 USC 1101) and to provide for the integrity of all research related procurements of the University. Aligns Sponsored Programs procurement practices with [University Procurement Policy \(FINA 2.10.033\)](#).

2. DEFINITIONS

- 2.1. Sponsored Programs are programs or projects that are funded by an external entity through a written agreement (grant, agreement, or other instrument) with the University. Sponsored Programs include specific research, training, or service programs and projects.
- 2.2. Principal Investigator is the University employee that leads an externally funded program or project and is responsible for the proper conduct of research, financial management, and other activities described in the proposal, grant, contract, or other instrument of agreement.
- 2.3. Procurement Official is the employee of an external entity who has participated personally and substantially in the following activities:
 - 2.3.1. Development of acquisition plans.
 - 2.3.2. Development of specifications, statements of work, or purchase descriptions or requests.
 - 2.3.3. Development of solicitation or agreement provisions.
 - 2.3.4. Evaluation or selection of a funding recipient or awardee.
 - 2.3.5. Negotiation or award of a research-related agreement or modification to a research-related agreement.
- 2.4. Proprietary Information is information contained in a bid or proposal submitted to an external entity for the purpose of procuring or funding a Sponsored Program. It includes but is not limited to: cost data; the whole or any portion or phase of any scientific or technical information; designs, processes and procedures; formulae; improvements; concepts; data; requirements; specifications; hardware, software; interfaces; components to be utilized in the Sponsored Program; materials compositions; confidential business or financial information; listing of names, addresses, or telephone numbers; or other information relating to a Sponsored Program.
- 2.5. Source Selection Information is information determined by the Procurement Official to be information

that, if disclosed to a competing external entity, would jeopardize the integrity or successful completion of the particular procurement. This includes information that is required by statute, rule, regulation, or order to be secured in a particular manner with particular restrictions.

- 2.6. Government Employee means a person employed by consulting or contracting, advising, or otherwise operating under the direction of a local, state, or federal government agency.

3. POLICY

- 3.1. The employees, officers, trustees, agents, contractors, sub-contractors, volunteers, and students of the University will not knowingly:
 - 3.1.1. Make, directly or indirectly, any offer or promise of future employment or business opportunity to, or engage, directly or indirectly, in any discussion of future employment or business opportunity with any Procurement Official.
 - 3.1.2. Offer, give, or promise to offer or give, directly or indirectly, any money, gratuity, or other thing of value to any Procurement Official.
 - 3.1.3. Solicit or obtain, directly or indirectly, from any employee or agent of an external entity, prior to the award of a grant, contract, or other instrument of agreement, any Proprietary Information or Source Selection Information regarding, directly or indirectly, the procurement.
- 3.2. The employees, officers, trustees, agents, contractors, sub-contractors, volunteers, and students of the University will not offer, promise to give, or give anything of value to any Government Employee for any reason.
- 3.3. Any employee, officer, trustee, agent, contractor, sub-contractor, volunteer, or students of the University that develops a good faith suspicion that any provision of this policy has been or might possibly be violated, now, in the past, or in the future, will immediately report such good faith suspicion to the Office of Research and Sponsored Programs (ORSP) in writing.
- 3.4. At no time will there be deviation from the Procurement Integrity Act (41 USC 423).

4. PROCESS

- 4.1. The employees, officers, trustees, agents, contractors, sub-contractors, volunteers, and students of the University will not discuss potential employment of a Government Employee by the University with any Government Employee, unless they first refer the respective Government Employee to the Vice Provost for Research, who must then determine whether that Government Employee is presently, in any way, involved in the procuring, contracting, or otherwise facilitating the procurement of goods, services, or funds between the University and a local, state, or federal government agency.
- 4.2. All Government Employees who seek employment with the University will declare, at the time of application or consideration of application for employment at the University, their intention to seek or consider seeking employment at the University by signing the [appropriate certification](#) form.
- 4.3. If the Vice Provost for Research determines that the Government Employee is not, in any way, presently involved in the procuring of goods, services, or funds between the University and a local, state, or federal government agency, the University may engage the Government Employee in the normal and regular hiring process.

- 4.4. If the Vice Provost for Research determines that the Government Employee is presently involved, in any way, in the procuring of services or funds between the University and a local, state, or federal government agency, the Vice Provost for Research must assess the respective Government Employee's involvement and determine if the Government Employee has decision-making authority with regard to the currently in progress procurement.
- 4.5. If it is determined that the Government Employee has decision-making authority with regard to the respective procurement, then the University must contact the government agency that the Government Employee is employed by to assess conflicts of interest.
- 4.6. If ORSP becomes aware of any actual or suspected violation of this policy, ORSP will, within thirty (30) days, investigate the information and, at the earliest possible opportunity, engage the Office of General Counsel to determine appropriate next steps. The ORSP employee designated Export Control Officer will be responsible for leading any investigation pursuant to this sub-section. The Office of Internal Audit may be called upon to assist in the investigation.

5. RESOURCES

- 5.1. Procurement Integrity Act – 41 USC 423.
- 5.2. Office of Federal Procurement Policy Act – 41 USC 1101
- 5.3. [University Procurement Policy – FINA 2.10.033](#)