

POLICY 2.29 – Investigator-Vendor Conflict of Interest

Policy Category: Financial

Effective Date: September 26, 2002

Supersedes: June 25, 2002

PREAMBLE

As members of the University community become increasingly engaged in technology transfer and commercialization of intellectual property based on past research, the possibility of future conflicts of interests arises.

Research at the leading edges of a discipline requires state-of-the-art technology. Increasingly, the best technology is derived from university based research, marketed by companies with licensing agreements or through start-up companies. On occasion, proposals to agencies will include plans for purchase of equipment or other infrastructure that may be provided by such companies which can lead to a potential conflict of interest when the decision of which company to purchase from is made.

The Principles and Procedures listed in this policy are intended to make the best possible purchasing decision in light of the potential for conflict of interest.

PRINCIPLES

- 1.00 The tendering of goods and services must follow procedures established by Procurement Services (see Item 5.00 below).
- 2.00 The individual(s) that are in potential conflict can, if they are part of the funded investigator team, participate in the description of specifications and evaluation criteria in tendering process. However, these individual(s) cannot be the only individuals involved.
- 3.00 The individual(s) that are in potential conflict cannot participate in the decision making process following the tendering process.
- 4.00 The objective of the proposed research must not be compromised by the purchasing decision. In other words, the infrastructure must be purchased from a vendor that can meet the specifications that will allow the research program to proceed in a timely and effective manner, even if the vendor is in a conflict of interest position.

PROCEDURES

- 5.00 In each case, Procurement Services will determine which procedure(s) for tendering will apply.
- 6.00 Procurement Services will work with the funded investigator team to establish the specifications that are published as part of the tendering process and ensures that they are in compliance with Principle 2.00.

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- 7.00 The Vice-President (Research) will establish an *ad hoc* Purchasing Decision Committee with representation from Procurement Services, the Office of the Dean of the Faculty that hosts the research and the Office of the Vice-President (Research). In cases where the University may be in conflict (because of revenue from licensing fees), the committee should include a member from outside the University rather than a member from the Office of the Vice-President (Research).
- 8.00 The *ad hoc* Purchasing Decision Committee may consult experts, including members of the funded investigator team, to address questions they may have about detailed, technical specifications.
- 9.00 The *ad hoc* Purchasing Decision Committee will evaluate vendor proposals and will make a recommendation to Procurement Services in accordance with [Policy 2.8](#) - Purchase of Materials and Services based on a majority opinion. The Committee will also document the reasons for the recommendation.
- 10.00 While price and other factors may be critical factors, the decision must be consistent with the objectives of the proposed research program.
- 11.00 Where a faculty or staff member will be in a potential conflict of interest during the bidding process, the individual must declare this and sign the "Conflict of Interest - Purchasing Operating Agreement" prior to bids being solicited. In joint proposals, all members of the research team must acknowledge the conflict and agree to abide by the principles of the Purchasing Operating Agreement.

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THE UNIVERSITY OF WESTERN ONTARIO CONFLICT OF INTEREST PURCHASING OPERATING AGREEMENT – FACULTY

Preamble:

The policies of The University of Western Ontario (University) and the Faculty Association collective agreement form the basis of this agreement. By signing this agreement the faculty member agrees to the terms and conditions outlined herein pertaining to purchases by the University from the company(ies) the faculty member is in conflict with.

Terms and Conditions:

1. I have read and understand University's Policy 2.8 - Purchase of Materials and Services.
2. I have read and understand the Faculty collective agreement section on Conflict of Interest and Conflict of Commitment.
3. I have read and agree with the Dean's written resolution as required by the Faculty collective agreement.
4. I understand that no commitment made by any individual at the University other than a purchase order approved by Procurement Services will bind the University to payment.
5. I agree to the following specific guidelines with respect to purchases made by the University and its associated companies from the supplier(s) named below:
 - (a) To maintain an arm's length role in any purchases.
 - (b) To not use my position at the University to promote the use of the company(ies) I have a conflict with.
 - (c) That I will not use University facilities or the University's name in conducting business in the name of company(ies) below without the express written permission of the Dean and University Secretariat.
 - (d) That specifications for requirements under my control cannot be articulated in a manner that precludes competition with the company(ies) listed below.
 - (e) That it is my responsibility on every transaction to ensure compliance with these terms and conditions. I also acknowledge it is my responsibility to make the Dean and Director of Purchasing aware of any changes to this situation as soon as they may occur, e.g., transfer to another Faculty, change in marital status, ownership change, etc.

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Conflict:

Company(ies) Name and Address(es): _____

Position relative to company(ies): _____

Signatures:

Agreed by:

Faculty Member's signature: _____ Date: _____

Approved by:

Dean's Signature: _____ Date: _____

Director, Purchasing Signature: _____ Date: _____