

# External Partner Conflict of Interest Disclosure

The purpose of this form is to provide external partners a mechanism to disclose any actual, perceived or potential individual or organizational conflicts of interest that exist, as required by [Minnesota Statute, section 16B.98](#), subdivision 2-3; Minnesota Office of Grants Management (OGM) [Grants Management Policies, Statutes, and Forms](#); and [Code of Federal Regulations \(CFR\), title 2, section 200.112, Conflict of Interest](#). It is helpful if the external partner explains the reason for the conflict, but it is not required.

***A disclosure will not automatically result in removal of the external partner from involvement.***

## Instructions

1. If you will be involved with the **drafting of a request for proposal (RFP)**, you must complete, sign, and return this form to your Minnesota Department of Health (MDH) contact prior to participating in such work.
2. If you will be involved with the **reviewing** of submitted applications:
  - a. Obtain the list of submitted applications from your MDH contact.
  - b. Complete, sign, and return this form to your MDH contact prior to receiving any applications.
3. If you will be involved with **both** drafting of an RFP and reviewing submitted applications, you must complete, sign, and return this form twice.
4. Submit the completed, and signed, form to your MDH Contact.

## Notice of Confidentiality

This form is required from every external partner(s) and is considered public data under [Minnesota Statutes, section 13.599](#).

External partners are required to comply with [Minnesota Statutes, section 13.599](#), which states that all information, and details, relating to an RFP (if applicable) and applications (if applicable) are non-public until grant agreements are fully executed.

## Conflicts of Interest

Conflicts of interest may be actual, potential, or perceived. An actual conflict of interest occurs when a person uses or attempts to use their official position to secure benefits, privileges, exemptions or advantages for self, relatives, or organization with which the person is associated which are different from those available to the general public ([Minnesota Statutes, section 43A.38, subd. 5](#)). A potential conflict of interest may exist if an external partner has relationships, affiliations, or other interests that could create an inappropriate influence if that partner is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. A perceived conflict of interest is any situation in which a reasonable person would conclude that conflicting duties or loyalties exists. A conflict of interest may exist even if no unethical, improper or illegal act results from it.

MDH recognizes that external partners may have relationships with applicants/recipients that may apply for state issued grants and/or MDH staff. MDH will take this into account as it evaluates the appropriateness of proposed measures to mitigate actual, potential, and perceived conflicts of interest. It is not MDH's intent to disqualify external partners based merely on the existence of relationships with applicants/recipients, but rather only when such relationships cause a conflict that potentially impairs the external partner's ability to provide objective advice to MDH. MDH would seek to disqualify external partners only in those cases where a conflict cannot be adequately mitigated. Nevertheless, MDH and its partners must follow federal regulation and statutory guidance on conflicts of interest.

## Organizational Conflict of Interest

An **organizational conflict** of interest exists when, because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice, or a person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

An example of organizational conflict of interest includes, but is not limited to:

- Unequal Access to Information. Access to information that is classified as nonpublic data or is otherwise unavailable to the public could provide an entity a competitive advantage in a later competition for another grant. For example, a nonprofit entity, in the course of conducting grant work for the State, may be given access to information that is not available to the public such as government plans, opinions, interpretations or positions. This nonprofit entity cannot use this information to its advantage in securing a subsequent grant, and measures must be put into place to assure this. Such an advantage could be perceived as unfair by a competing entity who is not given similar access to the relevant information.

## Individual Conflict of Interest

An **individual conflict** of interest occurs when any of the following conditions is present:

- An external partner, or any of its employees, uses their position to obtain special advantage, benefit, or access to MDH's time, services, facilities, equipment, supplies, prestige, or influence.
- An external partner, or any of its employees, receives or accepts money, or anything else of value, from another state grantee, grant applicant/recipient, or external partner with respect to the specific project covered by this funding.
- An external partner, or any of its employees, has equity or a financial interest in, or partial or whole ownership of, a competing grant applicant/recipient organization.
- An external partner, or any of its employees, is an employee of MDH or is a relative of an employee of MDH.

Examples of individual conflict of interest include, but are not limited to:

- Entity A offers Entity B money to not apply to an RFP that Entity A is applying to because of tight competition and limited funding.
- An individual owns Entity C and also sits on the board of Entity D and both entities are applying to the same RFP.
- An individual of the applicant/recipient has, in previous work for MDH, helped create the "ground rules" for a solicitation by performing work such as: writing the solicitation, or preparing evaluation criteria or evaluation guides for the solicitation.

- An individual of the applicant/recipient is compensated for serving on the board of a non-profit that may benefit from this work.

Instances in which an external partner worked in a volunteer capacity for the MDH should be evaluated on a case-by-case basis. Volunteer status has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties. Volunteer is defined as “[a]n individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered, is considered to be a volunteer during such hours” ([Code of Federal Regulations, title 29, section 553.101\(a\)](#)).

## Certification

External Partner Name: \_\_\_\_\_

RFP Title (if applicable): \_\_\_\_\_

MDH Grant Program Name: \_\_\_\_\_

*(Example: Family Planning Grant)*

### Select ONE of the following responses below:

- To the best of my knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to individual or organizational conflicts of interest.
- I have an actual, potential, or perceived conflict(s) of interest which are listed below.

To the best of your knowledge, write the names of entities/individuals with which you have an actual, potential, or perceived conflict:

Name of entity/individual: \_\_\_\_\_

Relationship (e.g., volunteer, employee, contractor, family relation): \_\_\_\_\_

Description of conflict (optional): \_\_\_\_\_

*\*Add additional names on separate sheet as necessary.*

### By signing in the space provided below, External Partner certifies the following:

- If a conflict of interest is discovered any time after submission of this form, I will immediately provide full disclosure in writing to MDH. If a conflict of interest is determined to exist, MDH may, at its discretion, take action.
- I agree to comply with the notice of confidentiality per [Minnesota Statutes, section 13.599](#).

### External Partner’s Signature

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## MDH Program Use Only

This section to be completed by appropriate Grant Program Staff.

- External Partner has no conflict(s) of interest and will fully participate.
- External Partner has disclosed a conflict of interest and appropriate MDH Program staff have reviewed the conflict(s) in accordance with [Grants Conflict of Interest Standard](#):
  - MDH Program has determined the conflict(s) can be mitigated as described below:

Mitigation Plan: \_\_\_\_\_

*Example: This external partner will not review any applications from applicants with which they have a conflict.*

- MDH Program has determined that the conflict(s) disclosed cannot be mitigated. As such as External Partner will cease all participation. MDH will communicate back to the External Partner and keep documentation of communication.

I certify that the conflict(s) has/have been discussed with this External Partner and the actions above have been taken.

### MDH Program's Signature

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Resources

- [Minnesota Statute, section 16B.98, subdivision 2-3 \(https://www.revisor.mn.gov/statutes/?id=16B.98\)](https://www.revisor.mn.gov/statutes/?id=16B.98)
- [Grants Management Policies, Statutes and Forms \(https://mn.gov/admin/government/grants/policies-statutes-forms/\)](https://mn.gov/admin/government/grants/policies-statutes-forms/)
- [Code of Federal Regulations, title 2, section 200.112, Conflict of Interest \(https://www.ecfr.gov/cgi-bin/text-idx?SID=576da87cebd5b7ac75e212d4c64aa93d&mc=true&node=se2.1.200\\_1112&rgn=div8\)](https://www.ecfr.gov/cgi-bin/text-idx?SID=576da87cebd5b7ac75e212d4c64aa93d&mc=true&node=se2.1.200_1112&rgn=div8)
- [Minnesota Statutes, section 13.599 \(https://www.revisor.mn.gov/statutes/cite/13.599\)](https://www.revisor.mn.gov/statutes/cite/13.599)
- [Minnesota Statutes, section 43A.38 \(https://www.revisor.mn.gov/statutes/cite/43A.38\), subd. 5](https://www.revisor.mn.gov/statutes/cite/43A.38)
- [Code of Federal Regulations, title 29, section 553.101\(a\) \(https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-A/part-553/subpart-B/section-553.101\)](https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-A/part-553/subpart-B/section-553.101)

For questions about this form:  
 Minnesota Department of Health  
 Grants Program  
[health.grantsoffice@state.mn.us](mailto:health.grantsoffice@state.mn.us)  
[www.health.state.mn.us](http://www.health.state.mn.us)

1/17/24

To obtain this information in a different format, contact: [health.grantsoffice@state.mn.us](mailto:health.grantsoffice@state.mn.us).