

 <p>Office of Systems Integration "SERVING CALIFORNIA"</p>	<p>ADMINISTRATIVE POLICY</p> <p>CONTROL NUMBER: OSI-AP- 17-02</p>
<p>VENDOR REFERENCE POLICY</p>	<p>Effective Date: 12/2/2017</p>

Purpose

The purpose of this policy is to provide guidelines for when an Office of Systems Integration (OSI) employee may provide vendor references.

Scope

This policy applies to all instances where an OSI employee or an OSI consultant, as specified in this policy, is asked to provide a reference for a vendor, regardless of whether the reference is oral or written, signed or unsigned. It applies to client or customer references, key staff references, and non-key staff references.

Definitions

Non-Evaluative Vendor Reference: This type of reference would only require the OSI employee to confirm otherwise public information regarding the work performed by the vendor, such as the type of work performed, length of performance, key personnel who performed the work, and other similar information. This type of reference does not in any way provide an evaluation of the vendor's performance.

Evaluative Vendor Reference: This type of reference would require the OSI employee to evaluate the vendor's performance. Such an evaluation would include rating the vendor's performance on a point or other scale (e.g., 1-5, average, above-average, poor, etc.).

OSI Solicitations: Any solicitation where the OSI will be a signatory to the resulting contract. This includes solicitations conducted within and outside of the OSI's delegated authority.

Non-OSI Solicitations: Any solicitation where the OSI will not be a signatory to the resulting contract.

Policy

General Standard:

All OSI employees providing vendor references should do so only if they are the employees most knowledgeable regarding the vendor's performance who are willing and able to provide references.

Non-Evaluative Vendor Reference:

An OSI employee with appropriate personal knowledge may provide a Non-Evaluative Vendor Reference.

Evaluative Vendor Reference:

1. *OSI Solicitations*

Executives at the highest level in the OSI possess the apparent weight and authority of the California Health and Human Services Agency (CHHSA) and, as such, must avoid the appearance that the CHHSA, and thus the state, is endorsing any particular vendor in a solicitation under the CHHSA's authority. The OSI Director, Chief Deputy Director, division Deputy Directors and the Agency Information Officer shall not provide Evaluative Vendor References for OSI Solicitations.

In addition, the following OSI employees shall not be permitted to provide an Evaluative Vendor Reference for an OSI Solicitation:

- An employee who had any substantive input into the procurement strategy or document formation, or who will be evaluating the bids received.
- An employee who has an actual or perceived personal interest, financial or otherwise, in the vendor. An actual or perceived personal interest may occur when an OSI employee has a financial interest in the vendor (e.g., stock ownership) or has some other personal relationship with the vendor that could reasonably give rise to the appearance of bias or impropriety if he or she served as a reference for that vendor (e.g., former employee of the vendor). Financial interests need not necessarily rise to the level of a disqualifying interest under the Political Reform Act of 1974. Questions about whether an employee has an actual or perceived personal interest should be directed to the OSI Legal Division.
- An employee who is otherwise prohibited by the language of the procurement documents from providing an Evaluative Vendor Reference.

The division Deputy Director may assign an OSI employee to provide an Evaluative Vendor Reference if that employee:

- a. Is not prohibited by this policy from providing an Evaluative Vendor Reference;

- b. Is not in direct control of the project (e.g. project manager, contract manager, or procurement manager); and
- c. Has the appropriate personal knowledge to provide the reference.

2. *Non-OS/ Solicitations*

For solicitations of other departments within the CHHSA, the OSI Director, Chief Deputy Director and the Agency Information Officer shall not provide an Evaluative Vendor Reference.

For solicitations of departments outside of the CHHSA, at the county level, in other states, or at the federal government, an OSI employee with appropriate personal knowledge may provide an Evaluative Vendor Reference. However, in situations where the OSI has collaborated with one of these entities on the solicitation or has had an oversight relationship that would bring the OSI into the procurement process, the employee shall contact the OSI Legal Division before providing an Evaluative Vendor Reference.

Endorsements:

No OSI employee shall grant any vendor permission to use the OSI logo in the vendor's promotional materials without reasonable compensation and the approval of the OSI Director, Chief Deputy, or his or her designee.

Consultants:

All full-time and part-time consultants to the OSI who are required to file Statements of Economic Interest at Disclosure Category 1 under the CHHSA Conflict of Interest Code are subject to the provisions of this policy.

Exceptions:

In instances where there are no parties willing and able to provide a vendor reference other than OSI employees who may be prohibited from providing references pursuant to this policy (e.g., a vendor that has performed work exclusively for the OSI), the project shall contact the OSI Legal Division, which will, in coordination with the OSI Acquisitions and Contracting Services Division, determine whether an exception to this policy may be warranted.

Authority

- Government Code sections 19990 and 87450 prohibit state officers and employees from engaging in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to their duties as state officers or employees.

- The Political Reform Act of 1974 (Gov. Code, § 81000 et seq.) prevents public officials from making, participating in making, or influencing governmental decisions in which they have a financial interest.
- The Fair Political Practices Commission (FPPC) regulations (Cal. Code Regs., tit. 2, § 18110 et seq.) implement the Political Reform Act of 1974.