

Appendix BB: Administrative Directive #MS-16

HILLSBOROUGH COUNTY
Office of the County Administrator

ADMINISTRATIVE DIRECTIVE # MS-16

SUBJECT: VENDOR REFERENCES, INQUIRIES & ENDORSEMENTS

EFFECTIVE DATE: July 6, 2009

REVIEW DATE: July 6, 2012

SUPERSEDES: NEW

Purpose:

- (1) To establish a directive regarding the County's endorsement of vendors, contractors, products and services;
- (2) To establish procedures for County employees who receive inquiries or requests for references regarding a vendor, contractor, product or service; and
- (3) To state the County's policy regarding vendors'/contractors' use of the County to market and/or promote their products and/or services, and to mandate that all County departments place language in all County contracts with vendors and contractors that reflects this policy.

Applicability:

This Administrative Directive shall apply to all the departments that operate/function under the County Administrator and all employees of the County Administrator. The subject matter of this Administrative Directive shall relate only to vendors/contractors/products/services contracted through the County's Procurement Services Department and through Departmental Purchase orders issued by other Departments within the County. County grants and community partnerships are not subject to this directive.

Directive:

County's Endorsement of Vendors/Contractors/Products/Services

County employees are prohibited from making statements on behalf of the County, whether oral or written, which they know will be utilized by a vendor/contractor to market, sell, promote or highlight the contractor/vendor and/or the vendor's product(s) and/or service(s) unless specifically authorized to do so by the County Administrator or his/her designee. County employees are prohibited from endorsing vendors, contractors, products and/or services utilized by the County unless specifically authorized to do so by the County Administrator or his/her designee. In addition, County employees are prohibited from endorsing vendors, contractors, products and/or services where such endorsements could be interpreted or perceived as endorsements by the County.

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Procedures for Addressing Vendor/Contractor References and Inquiries

If a County employee receives an inquiry or a request for a reference regarding a vendor/contractor/product/service currently being used by the County or that has been used by the County in the past, then the employee shall immediately direct such inquiry or reference request to the County project manager in charge of the applicable project/work or to the Director of the County department which utilized the vendor's product and/or service. The County employee receiving such inquiry or reference request should refrain from commenting or giving a reference unless such employee is the project manager of the applicable project utilizing the vendor/contractor or unless such employee is the applicable department Director of the County department utilizing the product/service.

Upon receiving an inquiry or a reference request regarding a vendor/contractor/product/service, the project manager or the applicable department Director or his/her designee should limit his/her response to such inquiry to only providing the facts regarding the vendor's/contractor's performance and/or the product or service provided (for example, whether the work was completed on time, whether the product/service was provided on time, whether the project was over or under budget, whether there were any change orders, whether the product/service met the specifications, etc.). Subjective opinions or comments regarding the vendor/contractor and/or the vendor's performance, product(s) or service(s) are strongly discouraged.

Policy Regarding Vendors'/Contractors' Use of the County to Market or Promote Products/Services

It is the policy of the County that vendors/contractors shall not use any statements, whether written or oral, made by the County's employees to market or promote such vendors'/contractors' products and/or services unless authorized to do so, in writing, by the County Administrator or his/her designee. To ensure that vendors/contractors are aware of this policy and that they abide by this policy, all County departments must include language reflecting this policy in all contracts with vendors/contractors as of the Effective Date of this Administrative Directive. The following is the recommended language to be placed in contracts:

“The vendor/contractor shall in no way use any statements, whether written or oral, made by the County's employees to market, sell, promote or highlight the vendor/contractor and/or the vendor's/contractor's product(s) and/or service(s) unless authorized to do so, in writing, by the County Administrator or his/her designee. In addition, the vendor/contractor shall not use subjective or perceived interpretations, even if factual, regarding the County's opinion of the vendor's/contractor's performance, product(s) and/or service(s) in any document, article, publication or press release designed to market, promote or highlight the vendor/contractor and/or the vendor's/contractor's product(s) and/or service(s). This does not prevent the vendor/contractor from including the County on its client lists and/or listing or using the County as a reference.”

Oversight Department: Department of Procurement Services

Approved: /S/
County Administrator

7/6/09
Date