

Title:		Contents:	A-350
CODE/GUIDELINES FOR ETHICAL CONDUCT - PROCUREMENT DECISION-MAKING PERSONNEL		Submitted By:	Purchasing Division
		Approved By:	Purchasing Agent
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General

The following guidelines represent the code of conduct and ethical standards for County Purchasing and Materials Management staff to include any organizational person(s) involved in procurement decisions or possess the individual ability to influence any solicitation or resultant award process.

These guidelines were derived from County Conflict of Interest policies, as well as excerpts from the related National Institute of Government Purchasing (NIGP) standards, guidelines and the NIGP Code of Ethics.

Your Responsibility to the County

It is the obligation and the responsibility of every procurement decision-maker to represent the County in a professional and ethical manner. Any procurement related matter shall be handled in a professional manner with the interest of the County taking precedent. As a procurement decision maker, you must:

- ✓ Follow the lawful instructions, policies, procedures and laws of the County, your manager, supervisor or any person in a higher level position of authority within your organization.
- ✓ Understand the authority granted to you, and exercise appropriate and discretionary use of that authority on behalf of the County in an ethical manner.
- ✓ Avoid activities which would compromise or give the perception of compromising the best interest of the County.
- ✓ Reduce the potential for any charges of preferential treatment by actively promoting the concept of competition.
- ✓ Obtain the maximum benefit for funds spent as Agent for the County.
- ✓ Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the County.
- ✓ Refrain from engaging in any procurement activity in which you have a personal or indirect financial interest.
- ✓ Avoid acquiring interest or incurring obligations that could conflict with the interests of the County.
- ✓ Avoid any private or professional activity that would create a conflict between your personal interest and the interests of the County.
- ✓ Avoid engaging in personal business with any company that is a supplier to the County.
- ✓ Avoid lending money to or borrowing money from any supplier.

Perception

In many cases, "perception" is considered "reality." Procurement decision-makers must be extremely conscientious to avoid any appearance of unethical or compromising practices in relationships, actions and communications. Best practices in the area of perception would include:

- ✓ Avoiding business relationships with personal friends.

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- ✓ Avoiding any actions which may give an impression of impropriety.
- ✓ Limiting the number of business meetings with suppliers outside the office to only when it is absolutely necessary. When such meetings do occur, the meeting location should be carefully chosen so as not to be perceived as inappropriate by other persons in the business community or your peers.

Gratuities

In the case of any gift, care should be taken to evaluate the intent and perception of acceptance to ensure that it is legal, that it will not influence your buying decisions, and that it will not be perceived by your peers and others as unethical. Consistent with Conflict of Interest policies, procurement decision-makers should:

- ✓ Never solicit or accept money, loans, credits or prejudicial discounts, gifts, entertainment, favors or services from your present or potential suppliers which might influence or appear to influence purchasing decisions.
- ✓ Never solicit gratuities in any form for yourself or the County.
- ✓ Decline any gift offered and cite departmental or County policy prohibiting the acceptance of such items. If a gift is delivered or otherwise left behind and the supplier is not present, it should be returned to the supplier as soon as possible with an explanation.

Note: Promotional items of nominal value offered by suppliers for public relations purposes (e.g., coffee cups, pens, etc.) are acceptable when such items would not be perceived by the offeror, receiver or others as posing an ethical breach.

Business Meals

There are times when during the course of business it may be appropriate to conduct business during meals. In such instances, the meal should be for a specific business purpose. These situations may include:

- ✓ A vendor demonstration or presentation where coffee or other non-alcoholic drinks, and rolls, doughnuts, bagels or other snacks are provided to all participants.
- ✓ A vendor demonstration or presentation where lunch is provided on the premises to all participants.
- ✓ Lunches and/or dinners which are associated with a County sanctioned business or government-related organization meeting where suppliers would be present. This would represent an acceptable professional practice provided that the procurement decision-maker keeps free of obligation.

In all cases, the procurement decision-maker must use extreme caution and good judgment in dining with suppliers or potential suppliers to avoid any perception of favoritism or impropriety. In a restaurant, informal, or social situation with a supplier the procurement decision-maker should pay for his/her own meal.

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Relationship With The Supplier(s)

Procurement-decision makers have to maintain a balance between establishing a productive business relationship and partnership with existing suppliers, and at the same time, avoiding the perception of favoritism or impropriety. To this end, they must be able to:

- ✓ Maintain and practice, to the highest degree possible, business ethics, professional courtesy, and competence in all interactions and activities with suppliers or potential suppliers.
- ✓ Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- ✓ Adhere to and protect the supplier's business and legal rights to confidentiality for trade secrets, and other proprietary information.
- ✓ Refrain from publicly endorsing products.

Summary

Based on the nature of the positions associated with procurement decision-making, which would include Purchasing, Materials Management and other County personnel who would be in a position to influence a solicitation and award selection process, it is imperative that these individuals exercise higher standard of ethical conduct in the procurement process to avoid any perception of impropriety.

Any perception of improper or unethical behavior in the procurement process directly and negatively impacts the image and credibility of the employee, the respective Division, Department and the County.

Suspected or observed violations of this policy must be promptly reported to the respective employee's manager or higher level authority in the organization.