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CHAPTER 2. Ethics

Table of Contents

CHAPTER 2. Ethics	2-1
2.1 Policy	2-2
2.2 General Standards of Ethical Conduct	2-2
2.2.1 Employees, Officers, and Agents	2-2
2.2.2 Non-Employees	2-2
2.3 Sanctions	2-2
2.3.1 Employees, Officers, and Agents	2-2
2.3.2 Non-Employees	2-2
2.4 Conflict of Interest	2-2
2.4.1 Employees, Officers, and Agents	2-2
2.5 Personal Gain	2-3
2.5.1 Employees, Officers, and Agents	2-3
2.6 Restrictions on Employment of Present and Former Employees	2-3
2.6.1 Employees	2-3
2.6.2 Offeror, Contractor, or Subcontractor	2-3



2.1 Policy

Employees involved in the procurement process must conduct business impartially and in a manner above reproach, with preferential treatment for none. Employees must strictly avoid any conflict of interest or the appearance of a conflict of interest in the procurement process.

2.2 General Standards of Ethical Conduct

2.2.1 Employees, Officers, and Agents

Any attempt to realize personal gain through employment with the Authority by conduct inconsistent with proper discharge of the employee's duties is a breach of ethical standards.

2.2.2 Non-Employees

Any attempt to influence any Authority employee to breach the standards of ethical conduct set forth in this Chapter or in Sections 5304 through 5309 of the Authority's Procurement Regulations is a breach of ethical standards.

2.3 Sanctions

2.3.1 Employees, Officers, and Agents

Disciplinary action may be taken against employees, officers, and agents who violate any provision of Sections 5304 through 5309 of the Authority's Procurement Regulations or this Chapter. Any employee, officer, or agent who violates any provision of Sections 5304 through 5309 of the Authority's Procurement regulations or this Chapter will be subject to discipline up to and including termination of the relationship with the Authority.

2.3.2 Non-Employees

Any effort made by or on behalf of a non-employee, including an offeror or contractor, to influence an employee to breach the ethical standards set forth in Sections 5304 through 5309 of the Authority's Procurement Regulations or in this Chapter is prohibited and may be referred to appropriate authorities for civil enforcement or criminal prosecution. A violation by a contractor or subcontractor of Sections 5304 through 5309 of the Authority's Procurement Regulations or this Chapter constitutes a major breach of each Authority contract or subcontract to which the violator is a party. In addition, an offeror or contractor that violates or whose representative violates any provision of Sections 5304 through 5309 of the Authority's Procurement Regulations or this Chapter may be determined to be non-responsible or may be suspended or debarred.

2.4 Conflict of Interest

2.4.1 Employees, Officers, Board Members and Agents

No employee, officer, board member or agent shall participate in or attempt to influence any procurement when the employee, officer, board member or agent knows or has reason to know:

1. The employee, officer, board member or agent, or any relative of the employee, officer, board member or agent has a financial interest pertaining to the procurement.
2. The employee, officer, board member or agent, or any relative of the employee, officer, board member or agent has a financial interest in a business or organization pertaining to the procurement.



3. The employee, officer, **board member** or agent, or any relative of the employee, officer, **board member** or agent has an agreement or arrangement for prospective employment with a business or organization involved with the procurement.

2.5 Personal Gain

2.5.1 Employees, Officers, and Agents

It is a breach of ethical standards for any employee to receive or attempt to realize personal gain or advantage, either directly or indirectly, as a result of their participation in any action related to any procurement. No employee, officer, or agent may solicit or accept, directly or indirectly, on his or her own behalf or on behalf of a relative, any benefit, such as a gift, gratuity, favor, compensation, or offer of employment from any person or entity having or seeking to have a contractual, business, or financial relationship with the Authority.

In the event an employee, officer, or agent is offered or receives any benefit or any other thing having more than a monetary value of **\$25.00 (twenty five dollars)** the employee shall report the matter to the General Manager or designee who shall determine the disposition of the benefit. The failure to report such offer or benefit to the General Manager or designee is a breach of these ethical standards. Acceptance of gifts or benefits offered by vendors or contractors, and offered to larger groups or organizations, such as sponsoring dinners at professional conferences, are exempt from the reporting requirements.

2.6 Restrictions on Employment of Present and Former Employees

2.6.1 Employees

An employee who participates in the selection of a contractor, participates in the approval process of a contract or contract modification, or supervises contract implementation shall not be employed by the contractor in question with respect to the performance of the contract in which the employee participated.

2.6.2 Offeror, Contractor, or Subcontractor

An offeror, contractor, or subcontractor shall not:

1. Employ for a period of 18 months after separation an Authority employee to work on an Authority project on which the employee directly worked. The General Manager may reduce this limitation period if it is determined that it is in the Authority's best interests after review and recommendation by the General Counsel.
2. At any time after granting employment to any Authority employee who participated in the selection of the contractor, participated in the approval of a contract or contract modification with the contractor, or supervised the contract implementation, allow such employee to work under the Authority's contract resulting from the selection or approval.
3. Offer to perform work for the Authority premised on the hiring of an Authority employee to perform part of the work that may reasonably be expected to participate in the selection of that contractor, participate in the approval of a contract or contract modification with that contractor, or supervise contract implementation.
4. Perform work for the Authority under the supervision, direction, or review of an Authority employee who was formerly employed by the contractor without notifying the Contracting Officer in writing.
5. Allow the relative of an Authority employee to work on an Authority project for which the employee has any direct responsibility or supervision.



6. Permit any person whose employment by the Authority was terminated by the Authority, other than pursuant to a reduction in force, to work on any Authority contract or project.
7. Offer or grant to an Authority employee, officer, agent, or relative of an Authority employee, officer, or agent, directly or indirectly, any benefit such as a gift, gratuity, favor, compensation, offer of employment, or any other thing having more than nominal monetary value.