Chapter 3

Ethics in Public Contracting

3.0 Ethics in Public Contracting

Radford University complies with the State and Local Government Conflict of Interests Act which establishes parameters for individuals involved in procurement transactions. The Act precludes individuals from participating in the procurement process under certain circumstances (e.g. the employee is contemporaneously employed by a company involved in the procurement transaction; the employee's immediate family holds a position with a company involved in the procurement transaction; the employee or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction, etc.).

Because of the extraordinary trust and responsibility entrusted to university employees conducting procurement transactions and because of the legitimate expectation by the public that this trust and responsibility be exercised properly, State laws dictate a higher standard of conduct for employees involved in the procurement process. Employees and vendors must be cognizant of these laws which include certain areas of the Virginia Public Procurement Act (VPPA) (Appendix E), the State and Local Government Conflict of Interests Act (Appendix F), and the Governmental Frauds Act. All university employees having responsibility for procurement transactions shall conduct business with vendors in a manner above reproach in every respect. Transactions relating to the expenditure of public funds require the highest degree of public trust.

Employees who have questions about potential conflicts of interest should contact the Director of Procurement and Contracts. Employees must disclose actual or potential conflicts of interest and should not initiate any contract or transactions to which the University is a party until approval is granted by the Vice President for Finance and Administration and the Director of Procurement and Contracts.

University employees having administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or otherwise affect a procurement transaction, or any claim resulting there from:

- Shall not solicit, demand, accept, or agree to accept from a bidder, offeror, contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services, gifts, transportation, lodging, meals, tickets to events or shows, or anything else of nominal value.
- Shall not accept employment from any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the State, unless the employee or former employee provides written notification to the President.
of the University prior to commencement of employment by that bidder, offeror or contractor (Code of Virginia, Section 2.2-4370).

In some situations it may be necessary for university personnel to make site visits to evaluate vendor capability and equipment. If site visits are required for evaluation purposes the University, not the vendors being evaluated, should pay initial expenses for such visits with reimbursement directly to the University from the Vendor. Exceptions to this policy can be made by the President, Provost, or respective Vice President. Any exception must be made on a case by case basis. University employees making such site visits will incur and recover travel costs from the University in accordance with state travel regulations. No direct reimbursement to university individuals by a vendor is permitted. The University will determine all costs incurred by employees in connection with the site visits and bill the appropriate vendor for reimbursement of costs by means of a check payable to the University.

University employees having official responsibility for procurement transactions may attend vendor-sponsored seminars or trade shows where they will benefit from receiving product information and learning of new techniques and products or service trends. Food, drinks and give-away items offered to all participants at such functions may be accepted by university employees attending.

All university personnel having official responsibility for procurement transactions shall be knowledgeable about the provisions of Article 4, Sections 2.2-4367 through 2.2-4377, Code of Virginia, entitled “Ethics in Public Contracting”. No public employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry” (Code of Virginia, Section 2.2-4376). “Any person convicted of a willful violation of any provision of this article shall be guilty of a Class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.” (Code of Virginia, Section 2.2-4377).

If you have any questions or concerns regarding the State and Local Conflict of Interests Act, contact the Director of Procurement and Contracts.

### 3.1 Procurement Code of Ethics

- Give first consideration to the objectives and policies of Radford University.
- Strive to obtain the maximum value for each dollar of expenditure.
- Decline personal gifts or gratuities.
- Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.
- Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
- Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
• Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.
• Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier; and/or be willing to submit any major controversies to arbitration or other third party review, insofar as the established policies of the University permit.
• Accord a prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
• Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purposes of promoting and developing sound business methods.
• Foster fair, ethical and legal trade practices.

References:

Appendix E: Virginia Public Procurement Act
http://www.eva.virginia.gov/buyers/pages/vppa.htm

Appendix F: State and Local Government Conflict of Interests Act
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC02020000310000000000