



ETHICS IN PROCUREMENT

Policy Title: Ethics in Procurement

Policy Type: Administrative

Policy Number: #43-28 (2014)

Approved: 05/05/2015

Responsible Office: Procurement Services

Responsible Executive: Vice President for Finance and Administration

Applies to: University Employees

POLICY STATEMENT

The University has established a policy governing procurement ethics. This policy applies to all University employees having official responsibility for procurement transactions.

TABLE OF CONTENTS	PAGE NUMBER
Definitions.....	1
Contacts.....	1
Stakeholder(s).....	2
Ethics in Procurement Policy Contents.....	2
Publication.....	3
Review Schedule.....	3
Related Documents.....	3
Forms.....	3

DEFINITIONS

None

CONTACT(S)

Procurement Services officially interprets this policy. The Vice President for Finance and Administration is responsible for obtaining approval for any revisions as required by BOV Policy #01 (2014) *Creating and Maintaining Policies* <https://www.nsu.edu/policy/bov-01.aspx> through the appropriate governance structures. Questions regarding this policy should be directed to Procurement Services.

STAKEHOLDER(S)

University Community

ETHICS IN PROCUREMENT POLICY CONTENTS

All transactions relating to the expenditure of public funds require the highest degree of public trust. No University employee authorized to initiate a purchase requisition, recommend approval of a purchase, approve, disapprove, or otherwise affect a purchase or any claim resulting from a purchase shall solicit, demand, accept, or agree to accept from a bidder, offer, or contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

To avoid the appearance of impropriety, no University employee shall place personal orders for goods or services with contractors at the same time as University orders. In additions, no employee shall have personal goods delivered to the University's owned or leased facilities.

No University 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. Violations of this provision involve all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration. Examples of misrepresentations in procurement transactions include: (1) declaring a vendor to be sole source knowing that it is not; (2) describing requirements in such a manner so as to limit competition; (3) soliciting other than valid sources so as to limit competition; (4) signing for receipt of goods or services not yet received or completed; (5) altering any procurement document to disguise or change the outcome; and (6) artificially inflating prices for goods or services.

Purchases from Employees, Spouses of Employee, etc. No purchase may be made from an employee, employee's spouse, children, parents, brothers, sisters, or any other person living in the same household unless otherwise authorized by law.

When it is known by an employee that any intended purchase might be a conflict of interest, the purchase shall not be made unless the employee provides a written opinion from the Attorney General or the Virginia Conflict of Interest and Ethics Advisory Council concluding that the purchase would not constitute a conflict of interest. The written opinion provides certain legal protections in the event someone alleges an employee has violated the Virginia State and Local Government Conflict of Interests Act.

No employee shall have a personal interest in a contract with the University of which he is an officer or employee, other than his own contract of employment.

No employee shall have a personal interest in a contract with any governmental agency of state government unless otherwise authorized by law.

Willful violation of the Virginia State and Local Government Conflict of Interests Act or the Virginia Public Procurement Act is a misdemeanor and constitutes malfeasance in office.

Individual Responsibility. All University employees having administrative or operating authority, whether intermediate or final, to affect a procurement transaction are subject to the requirements and penalties contained in the Virginia State and Local Government Conflict of Interests Act, Virginia Public Procurement Act, Virginia Governmental Frauds Act and any other applicable sections of the Code of Virginia.

Penalty for Ethics Violation. Any person convicted of a willful violation of any provision of Article 6 of the Virginia Public Procurement Act 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.

PUBLICATION

This policy shall be widely published or distributed to the University Community. To ensure timely publication and distribution thereof, the Responsible Executive will make every effort to:

- Communicate the policy in writing, electronically, or otherwise, to the University community, including current and prospective students within 14 days of approval;
- Submit the policy for inclusion in the online Policy Library within 14 days of approval;
- Post the policy on the related webpages; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary. Failure to meet the publication requirements does not invalidate this policy.

REVIEW SCHEDULE

- Next Scheduled Review: 03/14/2021
- Approval by, date: President, 05/05/2015
- Revision History: 07/01/1995, 07/01/2014, 05/15/2015, 08/31/2016, 03/06/2017; 03/14/2018
- Supersedes: Procurement Services Policy and Procedures No. 15

RELATED DOCUMENTS

1. Virginia Public Procurement Act – <https://eva.virginia.gov/pages/eva-vppa.htm>
2. Virginia State and Local Government Conflict of Interests Act – <https://law.lis.virginia.gov/vacodepopularnames/state-and-local-government-conflict-of-interests-act/>
3. Virginia Governmental Frauds Act – <https://vacode.org/2016/18.2/12/1.1/>

FORMS

There are no forms associated with this policy.