



ETHICS IN PROCUREMENT

Policy Title: Ethics in Procurement
Policy Type: Administrative
Policy Number: Policy #43-28 (2014)
Approval Date: 02/15/2021
Responsible Office: Procurement Services
Responsible Executive: Vice President for Finance and Administration
Applies to: University Employees

POLICY STATEMENT

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DEFINITIONS

Immediate family member: shall mean a spouse, children, parents, brothers, sisters, and any other person living in the same household as the employee.

CONTACT(S)

Procurement Services officially interprets this policy. 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* through the appropriate governance structures. Questions regarding this policy should be directed to Procurement Services

STAKEHOLDER(S)

University Community



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TITLE: ETHICS IN PROCUREMENT POLICY CONTENTS

All transactions relating to the expenditure of public funds require the highest degree of public trust. The laws of this Commonwealth dictate a higher standard of conduct for procurement officials than for public employees generally because of the extraordinary trust and responsibility exercised by public officials conducting procurement transactions, and because of the legitimate expectation by the public that this trust and responsibility be exercised properly.

Responsibility:

No University employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the public body when the employee knows that:

- (1) The employee is contemporaneously employed by a bidder, offeror, or contractor involved in the procurement transaction; or
- (2) The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror, or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent; or
- (3) The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or
- (4) The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning prospective employment with a bidder, offeror, or contractor (*Code of Virginia*, § 2.2-4369).

No University employee 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:

- (1) shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services regardless of value
- (2) shall accept employment from any bidder, offeror, or contractor with whom the 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 head of the state agency prior to commencement of employment by that bidder, offeror, or contractor (*Code of Virginia*, § 2.2-4370).



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Vendor Events: 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 product or service trends. Food, drinks and give-away items offered to all participants at such functions may be accepted by state employees attending.

Training: The University shall conduct annual ethics training classes for employees who have authority to affect a procurement and/or to bind the University with government or non-government entities.

Sole Source Transactions: All University employees having official responsibility with the procurement must complete a Public Procurement Ethics and Conflict of Interest Agreement and provided a copy of VPPA, Article 6. Ethics in Public Contracting.

Prohibited Transaction: An independent contractor employed or otherwise paid by a state agency to design a project, develop a scope of work, write specifications or otherwise define contract requirements is not eligible to compete for or receive the resulting contract.

Penalty: Willful violation of the Virginia State and Local Government Conflict of Interest Act or the Virginia Public Act is considered a misdemeanor and constitutes malfeasance in office.

Any person convicted of willful violation of any provision of the Code of Virginia, Article 6 of the Virginia Public Procurement Act shall be subject to the penalty provided by law and shall forfeit his employment with the University

EDUCATION AND COMPLIANCE

This policy shall be made available to all employees training on the requirements of this policy on an annual basis. All University staff is required to complete annual via on-line (MOAT) training on Ethics in Procurement. Additionally, Procurement Services provides campus wide training for all staff to emphasize the importance of adherence. Ongoing training is offered to remain compliant with these guidelines include:

- General Procurement ,
- eVA Training,
- and Ethics in Procurement.

Violations of this policy will be reported and escalated to the appropriate department officials to include but not limited to the Procurement Services Director, Vice President for Finance and Administration, Internal Audit, Human Resources and University President for further action.

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:



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- 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, 02/15/2024
- Approval by, date: Board of Visitors, 05/05/2015
- Revision History: 07/01/1995, 07/01/2014, 05/15/2015, 08/31/2016, 03/06/2017, 03/14/2018, 11/23/2020
- Supersedes:

RELATED DOCUMENTS

1. *Virginia Public Procurement Act, Ethics in Public Contracting § 2.2-4367 to 2.2-4377*)
<https://eva.virginia.gov/pages/eva-vppa.htm>
2. *State and Local Government Conflict of Interests Act*
<https://law.lis.virginia.gov/vacodepopularnames/state-and-local-government-conflict-of-interests-act>
3. *Virginia Government Frauds Act. .*
<https://vacode.org/2016/18.2/12/1.1>

FORMS

Public Procurement Ethics and Conflict of Interest Agreement