
PROFESSIONAL CODE OF CONDUCT

CHAPTER 9

Ethics Policy

The City's ethics policy requires that its business be conducted with complete impartiality and with preferential treatment for none. Transactions relating to the purchases of goods, services and construction on behalf of the City require an impeccable standard of conduct on the part of both City employees and its suppliers. It is not too much to say that City contracting personnel are held to a higher standard.

The rules of conduct for City employees are, for the most part, contained in Chapter 68 of the New York City Charter. They set forth the minimum standards, the violation of which could result in serious penalties not only for the affected employee but also for the supplier (i.e., debarment) found to be in violation of these rules. Agencies may establish stricter standards than those embodied in the Charter.

Employee Responsibilities

In general, City employees are not permitted to accept gifts, entertainment, meals or travel worth over \$50 from any person or firm that the City employee knows, or should know, is engaged in business dealings with the City, or intends to become engaged in such business dealings.

Strict rules also govern the use of confidential information for private purposes, misuse of one's City job for private advantage, outside income from second jobs, other sources and investments, and post-City government employment.

The best policy for vendors or potential vendors is to avoid any action on their part that would create the impression or appearance that an action taken by a City employee was influenced in any way by a gift, promise of employment or any other activity that could be construed or interpreted by others as undermining the impartiality of the employee.

When soliciting, awarding or administering a procurement, agencies are forbidden to take into consideration, the fact that a prospective contractor or associated individual(s) has or has not made or promised to make a campaign contribution.

City employees are required, when in doubt, to contact the City's Conflicts of Interest Board for an advisory opinion prior to taking any action that could be seen as a violation of the City's conflict of interest rules.

Fundamental Ethical Principles

Rules cannot address specifically every incident or situation which may arise. However, certain fundamental principles apply to all contracting personnel at all levels.

These fundamental principles which have been endorsed by professional procurement associations are listed below:

1. Encourage competition, prevent favoritism, and obtain the best value in the interest of the City and the taxpayers;
2. Place professional responsibilities above personal interests;
3. Ensure fair competitive access to City contracting opportunities to a broad cross-section of responsible contractors;
4. Deal with the public and with contractors with courtesy, consideration and even-handedness;
5. Use information gained confidentially in the performance of City duties solely in the City's interest;
6. Report corruption and unethical practices, wherever and whenever discovered, to the appropriate official, and/or take such other action as is warranted by the situation.

Supplier Responsibilities

Suppliers and their representatives also have a responsibility to deal ethically with the City and its employees, and to respect the ethical duties of City employees. Information provided by suppliers to the City must be complete and accurate; suppliers must at all times avoid conduct in restraint of competition, and shall not request City employees to engage in conduct which would violate the procurement rules or the principles set forth above.

VENDEX

Pursuant to Section 6-116.2(b) of the New York City Administrative Code, all suppliers that are under consideration for the award of a sole source contract or a contract valued at \$100,000 or more, or whose aggregate business with the City in the last 12 months, including the proposed contract, is \$100,000 or more, must complete and submit a VENDEX Business Entity or Not-For-Profit Organization Questionnaire. The principals and individuals must also submit a Principal or Individual Questionnaire. The purpose of a completed VENDEX Questionnaire is to assist us in determining if the required supplier has the requisite business integrity to do business with the City, i.e. a determination of responsibility.

VENDEX Questionnaires are valid for three years. Therefore, when responding to any bids, proposals or offers during the three year period, you are only required to submit an Affidavit of No Change or a Changed Questionnaire each time you are under consideration for award. However, in order to alert agencies that you have a valid VENDEX Questionnaire on file and to expedite the contract award process, you should always include a copy of your QFL when responding to any bids, proposals or offers.

Questions regarding VENDEX should be directed to the Mayor's Office of Contracts, 253 Broadway, 9th Floor, NYC. Their number is (212) 788-0048 or 2804.