

1.0 Procurement Code of Conduct

- 1.1. Metro maintains a written code of conduct governing the performance of employees, officers, and Board members related to the solicitation, award and administration of contracts, conforming to applicable laws and regulations.
- 1.2. Metro employees engaged in solicitation, award, and administration of contracts must:
 - 1.2.1. Avoid any private or professional activity that would create a conflict of interest or the appearance of impropriety,
 - 1.2.2. Avoid engaging in personal business with any supplier representative or similar person,
 - 1.2.3. Avoid lending money to or borrowing money from any supplier,
 - 1.2.4. Avoid all potential for nepotism,
 - 1.2.5. Avoid any overlap of duties in the procurement process, and
 - 1.2.6. Safeguard the procurement process from political or outside influence.
- 1.3. No employee, officer, agent, or Board member, or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing individuals may participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of those individuals previously listed has a financial or other interest in the firm selected for award.

2.0 Conduct with Suppliers

- 2.1. Business dealings with suppliers must be fair and transparent. Employees engaged in procurement activities must:
 - 2.1.1. Refrain from showing favoritism or being influenced by suppliers through the acceptance of gifts, gratuities, loans or favors,
 - 2.1.2. Safeguard supplier confidentiality,
 - 2.1.3. Refrain from requiring suppliers to pay to be included on an approved or preferred supplier list,
 - 2.1.4. Refrain from requesting donations of goods or services to the public entity,
 - 2.1.5. Select suppliers based on meeting appropriate and fair criteria,

- 2.1.6. Discourage the arbitrary or unfair use of purchasing leverage or influence when dealing with suppliers,
- 2.1.7. Avoid the exertion of undue influence or abuses of power, and
- 2.1.8. Treat all suppliers fair and equal.
- 2.2. Metro employees who become aware of any corrupt activity in the procurement process have a duty to alert the Head of Procurement immediately upon discovery.
- 2.3. Metro has a zero-tolerance policy for bribery or corruption in any form, including but not limited to:
 - 2.3.1. **Bribery** is the offering, promising, giving, authorizing, or accepting of any undue financial or other advantage to, by or for any persons associated with the procurement process, or for anyone else to obtain or retain a business or other improper advantage. Bribery often includes:
 - 2.3.1.1. Kicking back a portion of a contract payment to government or party officials or to employees of the other contracting party, their close relatives, friends, or business partners or
 - 2.3.1.2. Using intermediaries such as agents, subcontractors, consultants or other third parties, to channel payments to government or party officials, or to employees of the contracting parties, their relatives, friends, or business partners.
 - 2.3.2. **Extortion or Solicitation** is the demanding of a bribe, whether coupled with a threat, if the demand is refused.
 - 2.3.3. **Trading in Influence** is the offering or solicitation of an undue advantage to exert an improper, real, or supposed influence.
 - 2.3.4. **Laundering the proceeds** of the corrupt practices mentioned above is the concealing or disguising the illegitimate origin, source, location, disposition, movement, or ownership of property and/or money, knowing that such is the proceeds of crime.
 - 2.3.5. **Nepotism** is the use of authority or influence to show favoritism to relatives or friends without merit.

3.0 Gifts, Gratuities, and Hospitality

- 3.1. Officers, employees, agents, or Board members may neither solicit for gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts that is of such a character as to manifest a substantial and improper influence upon the outcome of procurement activities.

- 3.2. Acceptance of gifts, gratuities, favors, or anything of value must comply with [Ohio Ethics Commission Advisory Opinion 2001-03](#) and [Ohio Revised Code Section 102](#) (click links for navigation).