CONFLICT OF INTEREST

A special responsibility is imposed on all people who are entrusted with the management of university, state and federal government funds.

Elected and appointed state officials as well as all state employees are entrusted with the safety and welfare of the citizenry. In return for their confidence in state government, citizens expect that state employees’ private interests will not conflict with public business.

The nature of purchasing and contracting functions makes it critical that all players in the process remain independent, free of obligation or suspicion, and completely fair and impartial. Maintaining the integrity and credibility of a procurement program requires a clear set of guidelines, rules, and responsibilities to govern the behavior of purchasing employees. The shadow of doubt can be as harmful as the conduct itself.

Every person employed by a public purchasing agency should abide by a code of ethics. Agencies and their employees shall adhere to the following ethical standards:

A state employee may not:

Officers, faculty, and staff (“employees”) of TTU may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the employees’ duties, including any purchasing, payables, or contracting function in which such employee has any delegated authority to conduct or approve the transaction. Any potential conflict of interest must be disclosed to the managing director of Procurement Services prior to any obligation being made.

A “benefit” is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any person in whose welfare a TTU employee has an interest as under state laws. An employee shall not receive, accept to receive, nor intend to receive at any time any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service from any vendor in connection with any bid, proposal, purchase, payment, or contract.

Dual Employment:

An employee may not be in any dual employment positions that would result in a conflict of interest in relation to his/her position at TTU. If such circumstance arises, the employee shall remove him or herself from the process and disclose the relationship to his/her direct supervisor and to the managing director of Procurement Services.

A TTU department may not hire a vendor under the following circumstances: (1) a current employee of such department is also employed by such vendor; (2) a current employee of such department has a direct or indirect ownership interest in such vendor; and/or (3) the
hiring of such vendor would result in the furtherance of any private interest or gain for a current employee of such department.

If the owner of any such vendor who provides services to TTU is a TTU employee, compliant payment to any vendor classified as a sole proprietorship or an individual shall be made through Payroll.

A former employee:

A former employee who had a pay classification of A 17 or B 9, Step 1 or higher who ceases service or employment with a state agency on or after January 1, 1992, may not represent any person or receive compensation for services rendered on behalf of any person regarding a particular matter (a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge or other proceeding) in which the former employee participated during the period of employment, either through personal involvement or because the case or proceeding was a matter within the employee's official responsibility. You can verify the classification of a former employee through the Human Resources department.

Transactions with Other Individuals and/or Entities:

An employee shall not conduct any transaction with other individuals and/or entities in which the employee is related, by blood or marriage, to such individual and/or any owner or employee of such entity. If such circumstance arises, the employee shall remove him or herself from the process and disclose the relationship to the managing director of Procurement Services. An employee shall not make any unauthorized commitments or promises of any kind purporting to bind TTU. An employee shall act impartially and not give preferential treatment to any private or public organization or individual.

Bidder/Proposer Affirmation:

Vendors shall be required to sign the Bidder/Proposer Affirmation when submitting any procurement response to TTU. The Bidder/Proposer Affirmation requires prospective vendors to affirm their compliance with state laws, federal laws, and/or TTU policies, as applicable. The Bidder/Proposer Affirmation becomes part of any solicitation and becomes part of the binding terms and conditions on any resulting contract or purchase order. Any misrepresentation or false statement that is deemed material by TTU is a breach of contract, which shall void or make voidable any solicitation, or resulting contract or purchase order.

Employee Liability

Any employee who commits the University to a purchase, sale, lease, or other arrangement without proper authorization may be personally liable for the transaction.
If a violation occurs:

When an actual or potential violation of any of these standards is discovered, the person involved shall promptly file a written statement concerning the matter with the managing director of Procurement Services. The person may also request written instructions and disposition of the matter. If an actual violation occurs or is not disclosed and remedied, the employee involved may be reprimanded, suspended, or dismissed. The vendor or potential vendor may be barred from receiving future contracts and/or have an existing contract canceled.

Conflict of Interest:

All staff of a state agency who have been delegated the authority to purchase must sign a Conflict of Interest statement each year. One copy of the signed statement should be given to the employee and another copy should be filed in the Procurement Services Office.

Comptroller’s Code of Ethics and Statement on Conflict of Interest