



## CONCHO VALLEY COUNCIL OF GOVERNMENTS

### **PROCUREMENT STANDARDS OF CONDUCT AND ETHICS**

The Concho Valley Council of Governments, hereinafter referred to as “CVCOG”, is a voluntary organization of local governments organized in 1967 under authority granted by the Texas Legislature in 1965 (Chapter 391, Local Government Code). Under provisions of the law, Councils of Governments are political subdivisions of the state, but they are not governments because they have no authority to make laws, levy taxes, or exercise police powers. Councils of Governments are specifically authorized to:

- *conduct planning*
- *assist local governments in implementing plans*
- *provide technical assistance, grant writing and grant administration services*
- *contract with local, state and federal governments and other public and private agencies*
- *review and comment on applications for federal and state grants-in-aid and solid waste permits*
- *assist local governments in solving governmental problems*

The Concho Valley Council of Governments is one of 24 regional councils in Texas. The geographic boundaries of the councils must coincide with the state’s planning regions as designated by the Governor. Membership in Texas’ Councils of Governments includes almost 2,000 local governments and all of the state’s 254 counties.

Policy decisions for the Council are made by its Executive Committee composed of a representative chosen by the local government members of each county, a member of the board of the largest school district, a member representing the region’s largest city, and two members of the Texas legislature whose districts lie partially or wholly within the region.

One of the main goals of CVCOG is to foster a cooperative effort in resolving problems, policies, and plans that are common and regional. Included in CVCOG are the following programs:

- 2-1-1 Texas
- Aging and Disability Resource Center
- Area Agency on Aging
- Concho Valley Council of Governments Administration
- Concho Valley Transit District
- Criminal Justice
- Concho Valley Economic Development District
- Foster Grandparents
- Head Start and Early Head Start
- Homeland Security
- Concho Valley Regional Law Enforcement Academy
- Regional 9-1-1
- Regional Services
- RSVP
- Senior Companion

- Solid Waste
- VISTA

## **Procurement Responsibilities and Practices**

CVCOG has adopted these Procurement Standards of Conduct and Ethics for employees involved in any aspect of the procurement process for CVCOG or any of its programs. CVCOG strives to uphold the highest ethical standards for all procurement/purchasing activities.

It is a breach of ethical standards for any CVCOG employee to participate directly or indirectly in a procurement when the employee knows:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with whom the employee or any member of employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

In addition, any persons acting as members of an Evaluation Committee for this procurement shall be bound by CVCOG's Standards of Ethical Conduct for Procurement. Throughout the bid/proposal evaluation process and subsequent contract negotiations, Bidders, Proposers, or Offerors shall not discuss or seek specific information about the specific procurement, including but not limited to, the contents of submissions, the evaluation process or the contract negotiations, with members of the Evaluation Committee, the CVCOG Board of Trustees, or CVCOG employees other than the CVCOG Procurement Staff.

Any person employed by CVCOG who engages in procurement and/or contract responsibilities is bound by the following ethical guidelines and standards of conduct:

### **A. Procurement Responsibilities**

- a. Commit to discharging their procurement responsibilities in accordance with federal, state and local laws and professional procurement principles as described herein.
- b. Deal fairly and factually with dispute resolution while keeping the organization informed.
- c. Handle all procurement matters on a fair, objective and non-discriminatory basis.
- d. Neither seek nor dispense personal favors.
- e. Withhold participation in the selection, award, or administration of contracts if there is a real or apparent conflict of interest. A conflict of interest would arise when the employee or any member of his or her immediate family, including his or her partner, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. This includes employment or potential employment of any of the parties indicated herein by a firm considered for a contract.

## **B. Procurement Practices**

- a. Understand the authority granted by CVCOG.
- b. Avoid activities that would compromise or give the perception of compromising the best interest of CVCOG
- c. Actively promote competition to reduce the potential for charges of preferential treatment.
- d. Maintain and strengthen the public's trust and confidence in public institutions, by demonstrating the highest standards of professional competence, efficiency and effectiveness, upholding the constitution and the laws, and seeking to advance the public good at all times.
- e. Use powers and resources for the public good, in accordance with the law and government policy. Team members should be prepared to be accountable for the decisions they make and to justify their official decisions and actions to a relevant authority, or publicly, as appropriate in the circumstances.
- f. Obtain best value in expenditure of public funds, and efficient use of assets deployed in or through public management, and to avoid waste and extravagance in the use of resources in public programs and official activities.
- g. Make decisions and act without consideration of private interests. Public service being a public trust, the improper use of a public service position for private advantage is regarded as a serious breach of professional integrity.
- h. Avoid holding business meetings with suppliers outside the office. When such meetings do occur, one should be careful to assure that other persons in the business community or peers do not perceive it as inappropriate.

## **C. Gifts**

A CVCOG employee may not: solicit, accept or agree to accept a financial benefit other than from CVCOG, that might reasonably tend to influence his or her performance of duties for CVCOG or that he or she knows or should know is offered with intent to influence the employee's performance; accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties; accept outside employment or compensation that might reasonably tend to impair independence or judgment in performance duties for CVCOG; make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for CVCOG; or solicit or accept or agree to accept any financial benefit from another person in exchange for having performed duties as a CVCOG employee in favor of that person.

CVCOG employees should refer to the CVCOG Employee Handbook for further information.

## **D. Violation of Procurement Responsibilities and Practices**

Any violation of these responsibilities and practices can result in disciplinary actions, including oral or written reprimand, suspension, salary reduction, demotion, or dismissal from CVCOG employment.

## **E. Mandatory Reporting**

- a. Immediately consult your supervisor if you have questions and/or become aware of situations which do not meet these standards.
- b. For procurements under Federal awards, it is mandatory to disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award pursuant to 2 C.F.R. 200.113 Mandatory Disclosures.



**CONCHO VALLEY**  
COUNCIL OF GOVERNMENTS

**NON-DISCLOSURE AND CONFLICT OF INTEREST CERTIFICATION**

Fiscal Year 23-24 Certification

A special responsibility is imposed on all people who are entrusted with the disposition of public funds. The fiduciary nature of the purchasing function, particularly when expending public funds, makes it critical that all persons involved in the process remain independent, free of obligation or suspicion, and free from the perception of impropriety. Premature or unauthorized disclosure of information regarding a proposed solicitation irreparably harms the State's interests and may constitute a violation of Section 39 02 of the Texas Penal Code, the antitrust laws of the United States and the State of Texas, and/or the Texas Public Information Act (Chapter 552, Texas Government Code). Credibility and public confidence are vital throughout the purchasing and contracting system. The appearance of impropriety can be as harmful as the conduct itself. It is with this in mind that the following certification is set forth.

I, \_\_\_\_\_, the undersigned hereby certify that I understand and agree to be bound by the commitments contained herein.

I participate in procurement processes for the Concho Valley Council of Governments.

I agree that I will disclose any information about which I am aware regarding my involvement in any agency decision-making or recommendations on a procurement that could constitute a conflict of interest or create the appearance of impropriety. I understand my relationship with an employee of a business entity that is or may be a respondent or subcontractor may constitute a conflict of interest when that employee is my spouse, child, spouse's child, parent, spouse's parent, child's spouse, brother, sister, grandparent, spouse's grandparent, grandchild, spouse's grandchild, spouse's sibling, sibling's spouse, nephew, niece, uncle, aunt, great-grandparent, or great-grandchild. For purposes of this disclosure, a step-relationship or adoptive relationship is considered the same degree as a natural relationship. If, during any procurement process, I become aware of any actual, potential, or perceived conflict, I will immediately notify my manager and the CVCOG Human Resources Department.

I agree that I will not participate in any procurement process if I have, or if I am aware that any member of my immediate family has, an actual, potential, or perceived financial interest in a procurement, including, but not limited to, employment or prospective employment, in a business or organization that may be a respondent (a respondent may be called a proposer, an offeror, a bidder or other like term) or a subcontractor to a respondent. The term "immediate family," as used in this Certification means: One's parents, spouse, children, brothers, and sisters, whether residing together or not.

I agree that I will not solicit or accept anything of value from an actual or potential respondent. Should I receive a gift, whether solicited or unsolicited, from an actual or potential respondent or a current, potential, or previous vendor, I agree to follow my agency's policies regarding disposal of the gift.

When participating in procurement processes, I will act on my own accord and not act under duress. I will not participate in a procurement process if I am currently employed by, or if I am receiving any compensation from, or if I will be the recipient of any present or future economic

opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in return for favorable consideration of a respondent(s) during a procurement process.

I will not let any preconceived position I may have regarding the relative merits impact the fair and impartial performance of my responsibilities, nor will I perform my responsibilities based on a personal preference or position regarding the worth or standing of any respondents participating in any procurement. Further, I will, to the utmost of my ability, ensure that the solicitation and the specifications provide all potential respondents an equal and fair opportunity to submit a proposal for evaluation, taking care to ensure that specifications and evaluations are not intended to favor any particular respondent, performing any and all tasks related to the solicitation in an unbiased manner, to the best of my ability, and with the best interest of the State of Texas and the Concho Valley Council of Governments paramount in all decisions.

I agree not to disclose or otherwise divulge any information pertaining to a procurement including, but not limited to, the following: the development of the solicitation, the content of any response received, the ranking of any response, or the status of the procurement, to anyone other than authorized agency personnel (e.g., approved evaluators, management) assigned to the procurement unless such communication is lawful and in the ordinary course of business consistent with my agency's purchasing policy. I understand the terms "disclose or otherwise divulge" to include but are not limited to, reproduction of any part or portion of any response, or removal of same from designated areas without prior authorization from my manager. If I receive a request for information regarding a procurement from a vendor or other member of the public, I will follow my agency's procedures for responding to such requests which may include providing notification to personnel designated by my agency to manage public information requests.

I agree to perform any and all duties relating to the award process in an unbiased manner, to the best of my ability, and with the best interest of the State of Texas and the Concho Valley Council of Governments paramount in all decisions.

I will immediately inform both my management and the CVCOG Human Resources Department if, at any time during the procurement process, any of these statements are no longer true and correct.

I have been given the opportunity to review this statement prior to signing. If I have questions or concerns about this statement, I am to contact my management or the CVCOG Human Resources Department. I have not made any changes or deletions on this form without informing my manager or the CVCOG Human Resources Department.

Should I violate any of the conditions of this agreement, I understand that I may be subject to the agency's disciplinary policies as well as possible actions relating to any professional certifications or licenses that I may hold.

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Printed Name

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Date

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Signature