

Marsha is employed as the City Architect by the City of Oz, which has requested bids for architectural work on a major addition to City Hall. Oz is bound by law to purchase the lowest bid that meets the procurement specifications except "for cause". The lowest bidder, by a narrow margin is Parthenon Associates, a local architectural firm. The Parthenon bid meets the specifications. Marsha recommends accepting Parthenon's bid. After the work has begun, it is learned that John, a major partner in Parthenon Associates, is the spouse of Marsha. He specializes in landscape architecture, which was not a factor in the City's specifications. John and Marsha both vigorously deny that they ever discussed anything about the bid. The City asks Marsha to resign for "breach of public trust."

Was the City justified in seeking Marsha's termination of employment? If so, why? If not, why not?

ANSWER: Yes. Professionals, especially when employed by public bodies must not only avoid actual conflicts of interest, but also apparent conflicts of interest. In this case, at the least, Marsha should have notified the City of John's association with Parthenon Associates before the decision on which bid to select.

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