

PROCUREMENT CONFLICTS OF INTEREST

POLICY

Document Number:

FRS-PL-011

Version Number:

05

1.0 Purpose:

To define responsibilities and general rules for avoiding, evaluating and resolving organizational conflicts of interest in the procurement process.

2.0 Scope:

The Santa Clara Valley Transportation Authority's Administrative Code, Chapter 2, Article VII, Code of Ethics (Sec. 2-66 through Sec. 2-76) gives direction for procurement related conflicts of interest.

3.0 Responsibilities:

It is the responsibility of the Purchasing and Materials Manager to draft and obtain approval of this Policy to assure organizational understanding and compliance with this Policy.

4.0 Policy:

- 4.1 It is the policy of VTA that all employees involved in the procurement process conduct themselves in accordance with the highest ethical and professional standards. To this end, VTA employees and contractors will perform their official duties in accordance with the provisions of the Code of Ethics as defined in Chapter 2, Article VII of the Santa Clara Valley Transportation Authority Administrative Code and other Personnel or Administrative policies as appropriate.
- 4.2 The Purchasing and Materials Manager has the responsibility for drafting policies and procedures relating to procurement related conflicts of interest and monitoring compliance.
- 4.3 From the procurement perspective, organizational conflicts of interests can be:
- **Lack of Impartiality or Impaired Objectivity:** Can occur when the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to VTA due to other activities, relationships, contracts or circumstances.
 - **Unequal Access to Information:** Can occur when a contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
 - **Biased Ground Rules:** Can occur if, during an earlier procurement, the contractor has established the ground rules for a future procurement by developing specification, evaluation factors or similar documents.

Remedies: Each planned procurement action should be analyzed to identify and evaluate potential organizational conflicts of interest as early as possible, and avoid, neutralize or mitigate potential conflicts before contract award.

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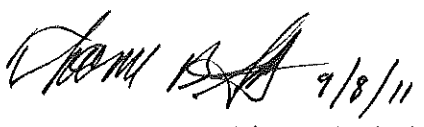

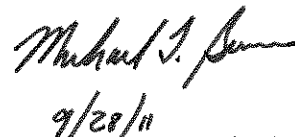
5.0 Definitions:

N/A.

6.0 Summary of Changes:

Addition of Section 4.3.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Thomas B. Smith Purchasing and Materials Manager	 Joseph T. Smith Chief Financial Officer	 9/28/11 Michael T. Burns General Manager

Date Signed