

# Purchasing Code of Ethics

## General Ethical Standards

There are certain common standards of ethics that govern the conduct of employees involved in the purchasing function, as follows:

### 1. Personal Gain

It is a breach of ethics to attempt to realize personal gain through public employment with the school district by any conduct inconsistent with the proper discharge of the employee's duties.

### 2. Influence

It is a breach of ethics to attempt to influence any public employee of the school district to breach the standards of ethical conduct set forth in this code.

### 3. Procurement

It is a breach of ethics for any employee of a school district to participate directly or indirectly in procurement when the employee knows that:

- 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 the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- If a school district board member or other official has a substantial interest in procurement, that person shall abstain from discussion and decisions regarding the award of the procurement contract.(Local Government Code, Chapter 171,) for definition of substantial interest.) In addition, the board member should disclose this substantial interest by filing an affidavit with the district.

### 4. Gratuities

It is a breach of ethics to offer, give or agree to give any employee or former employee of the school district, or for any employee or former employee of the school district to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of

employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government. Acceptance of gratuities may be construed as a criminal offense.

## **5. Kickbacks**

It is a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract of a school district, or any person associated therewith, as an inducement for the award of a subcontract or order.

## **6. Contract Clause**

The prohibition against gratuities and kickbacks prescribed above should be conspicuously set forth in every contract and solicitation therefore.

It is a breach of ethics for any employee or former employee of the school district to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

[For a definition of the penalties, go to Texas Education Code – Subchapter B. -Sec. 44.032 and Local Government Code 271.029.](#)

Any questions related to these procedures can be directed to the Hays CISD Purchasing Office: [purchasing@hayscisd.net](mailto:purchasing@hayscisd.net)