

## Sec. 2-97. - Ethics.

It is the policy of Clayton County to seek the best overall value when procuring goods and services. Toward this end, the county finds and declares that its objectives will best be achieved through an open, competitive process with a broad range of responsible suppliers wishing to furnish products and services to the county. Clayton County will set up and conduct a purchasing program that maximizes service benefit to the community and awards contracts to suppliers who offer the best value.

- (1) Clayton County declares that employees and officials, along with those wishing to do business with the county, have the shared responsibility for avoiding biased, anticompetitive or unethical practices.
- (2) Clayton County employees, officials, and their family members are prohibited from seeking, requesting, or receiving any material payment, gift, job offer, security, promise of future benefit, or any other tangible or intangible thing of value when such receipt has the potential to influence a procurement decision or to gain unfair advantage in a procurement competition, and as outlined in the County's Ethics Code found in Article 2, Section 70-61, et seq. and all other applicable policies.
- (3) Prospective suppliers must compete for county business within the parameters of the solicitation process and are prohibited from seeking to obtain inside information, attempting to skew the writing of specifications or influencing a procurement decision through any means outside the process established for the particular solicitation. This principle applies to any contractor, subcontractor, representative, employee, or agent that may be associated with a procurement transaction.
- (4) Ethical business practices are important both during a solicitation and after the decision to grant an award. To this end, the county seeks to establish relationships with suppliers whose ongoing ethical standards of business conduct are congruent with those outlined here. The director is charged with establishing methods for ongoing monitoring for non-compliance with these principles. The prohibition against the offering of or the acceptance of kickbacks, gratuities, payments or any other thing of value extends beyond and outside any specific procurement or solicitation. Violations by Clayton County employees and officials will be governed by the Clayton County Civil Service Rules and the Clayton County Code of Ethics, Clayton County Code of Ordinances, Art. II § 70-61, et seq.
- (5) A supplier's contract compliance history with Clayton County and other contractual parties is a valid element in the decision to award a solicitation.
- (6) Clayton County stipulates that the furtherance of its strategic goals for job creation, stability and growth in the tax base, business retention, and other fiscal and economic development objectives may be considered during the procurement process. The director is authorized to establish procurement initiatives consistent with the county's strategic economic development objectives. These procurement practices shall be applied consistently and equitably, and shall have a direct relationship to the county's goals.
- (7) Clayton County employees, officials, and their family members are prohibited from participation in any procurement decision or any gain of unfair advantage in a procurement competition as a result of contemporaneous employment with a potential or actual business partner. When a conflict of interest is discovered, the employee involved shall promptly file a written statement concerning the matter with an appropriate supervisor. 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 pursuant to the Clayton County Civil Service Rules and the supplier or potential supplier may be placed on the ineligible source list and/or have their existing contract canceled.
- (8) It is unethical for any Clayton County employee or official to purchase goods and/or services from a county contract for personal use, unless the goods and/or services are made available to employees through the contract specifically for that purpose.

- (9) Individuals, firms and businesses seeking an award of a Clayton County contract may not initiate or continue any verbal or written communications regarding a solicitation with any county officer, elected official, employee or other county representative other than the department of central services employee named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award by the board of commissioners, unless specified otherwise herein. Attempting to influence the outcome of any given contract prior to a recommendation of award to the board of commissioners is strictly prohibited. The director will review alleged violations of this prohibition. If the director determines that such a communication has compromised the competitive process, the offer submitted by that person may be disqualified from consideration for award, and that person may, among other things, be placed on the ineligible source list. Violations by Clayton County employees and officials will be governed by the Clayton County Civil Service Rules. Violations may also be subject to prosecution under federal, state or local laws.

(Ord. No. 2017-45, § 1, 6-6-17)