

**STANDARDS OF CONDUCT AND
CONFLICT OF INTEREST POLICY**

Board Approval: October 7, 2020

1. POLICY OVERVIEW

- 1.1. This policy establishes Omnitrans' Standards of Conduct and defines its policy on conflicts of interest, gratuities, negotiation for employment, post-Omnitrans employment restrictions and related matters. This policy explains the nature of potential conflicts of interest of employees and explains the potential consequences for violating the policy provisions. This policy applies to all Omnitrans personnel in the exercise of their duties.
- 1.2. Federal and State law and regulations require Omnitrans to prevent actual or perceived conflicts of interest in contracting. Omnitrans personnel are expected to avoid conflicts of interest and actions which could result in favoritism or appearances thereof.

2. CONFLICTS OF INTEREST

- 2.1 All Omnitrans members, officers, employees, and other agents must conduct the procurement process so as to avoid conflicts of interest, real or perceived. To maintain full and open competition, no Omnitrans member, officer, employee or other agent, or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing individuals, may participate in the selection, award, or administration of any Omnitrans contract if a conflict of interest, prohibited by law or regulation, would be involved.
- 2.2 All procurements must be conducted in accordance with the most current version of the "Conflict of Interest Code for Omnitrans" adopted pursuant to the Political Reform Act of 1974 (Government Code section 87500, et. seq., as amended). Omnitrans employees are expected to comply with the Conflict of Interest Code.

3. GIFTS

- 3.1 Omnitrans officers, employees, agents and Omnitrans members who participate in the selection, award or administration of third-party agreements may not accept gifts, gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontractor agreements. The foregoing restriction shall not apply if, as determined by the CEO/General Manager, the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. Where federal funds are involved, nominal value shall mean under fifty dollars (\$50). Where only state funds are involved, the state gift limits shall apply.

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4. GUIDELINES FOR CONTRACTOR RELATIONSHIPS

4.1. Organizational conflicts in bidding: In order to avoid the appearance of or actual organizational conflicts of interest, the following policies shall apply to Contractors (any third-party vendor, contractor or consultant and their employees or subcontractors) providing goods or services to Omnitrans.

4.1.1. No Contractor shall be eligible to bid on any solicitation, procurement or contract developed from plans, specifications or drafted specifications, design, requirements, statements of work, invitations or bids and/or requests for proposals prepared in whole or in part by that Contractor, or on any “follow on” contract as determined in accordance with the most current guidance on interpretation of Government Code section 1090.

4.1.2. No Contractor may be involved in any aspect of evaluation, selection, or award of a contract for which that person may bid.

4.1.3. No Contractor may participate in any aspect of a procurement for third-party contract management service where the work which is to be reviewed by the third-party contract manager has been awarded to that Contractor.

5. NEGOTIATION FOR EMPLOYMENT

5.1. Omnitrans employees considering or negotiating future employment with an organization which has an actual or prospective business relationship with Omnitrans may not participate in any official action on behalf of Omnitrans with that organization.

“Negotiating” includes any action that reasonably could be construed as an indication of interest in future employment.

5.1.1. Omnitrans employees must file a written notice with their supervisor of any negotiation (including unsolicited proposals) for prospective employment with any entity which has an actual or prospective business relationship with Omnitrans. A copy of the notice shall be sent to Human Resources to be placed in the employee’s official personnel file.

5.2. Post-OMNITRANS Employment Restrictions

5.2.1. Omnitrans employees who, within a one (1) year prior to their last day of employment with Omnitrans: a) have been significantly involved in procurement activities or project management responsibilities involving a party with an actual or prospective business relationship with Omnitrans; or b) have had direct

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responsibility for any matter of financial interest to a party with an actual or prospective business relationship with Omnitrans, may not be employed by that party to work directly or indirectly with any proposal or contract with Omnitrans, until at least one year after the employee or agent has ceased employment with Omnitrans.

- 5.2.2. Omnitrans managers and above may not work directly or indirectly on any proposal or contract with Omnitrans, until at least one year after the employee or agent has ceased employment with Omnitrans.

6. VIOLATIONS AND ENFORCEMENT

- 6.1. The imposition of civil or criminal proceedings notwithstanding, violation of any of the provisions of this policy shall be subject to penalties, sanctions, or other disciplinary actions up to, and including, termination of employment. Any disciplinary actions imposed shall remain a permanent part of the employee's personnel file.
- 6.2. The violation of any section of this policy by Omnitrans members or officers will require correction of the violation in any manner provided for under the Political Reform Act, and its implementing regulations, as may be applicable to the violation.
- 6.3. Contractors or subcontractors that violate this policy as relates to an active FTA funded procurement may be prohibited from bidding on the procurement or may be subject to other action as deemed appropriate by the CEO/General Manager.
- 6.4. Any person(s) who violates this policy as relates to FTA funded procurements may be prohibited from participation on behalf of Omnitrans on federally funded projects, or subject to other action as deemed appropriate by the CEO/General Manager.