PURCHASING ETHICS and VENDOR VISIT POLICY

POLICY STATEMENT:

ODOT shall purchase supplies and services in a fair and ethical manner. Each purchase by ODOT involves the expenditure of tax dollars that creates a trust between ODOT and the general public. It is ODOT’s policy that ODOT employees who purchase supplies and services for the department will protect this trust and treat all vendors who are interested in doing business with the department fairly and equally. The purpose of this policy is to establish a statewide, uniform policy on purchasing ethics and specifically on visitation procedures for vendors for the purpose of sales, marketing “cold calls,” and visits.

AUTHORITY:

Ohio Revised Code Chapters 125, 5513 and 5525
Ohio Ethics Laws
Purchasing and Contracts Administration Manual
Executive Order 2007-01S

REFERENCES:

Chapter 102 of the Ohio Revised Code (ORC)
ORC 5513.06
ORC 125.25
ORC 5525.13

SCOPE:

This policy is applicable to all employees within the ODOT. Prime responsibility lies with personnel having the need to meet with vendors including, but not necessarily limited to employees with purchasing authority, contract administration, and stockrelated duties.
To the extent permitted by law, this policy also applies to all private companies and their employees conducting business with or seeking to do business with the state of Ohio or with ODOT.

This policy is not intended to replace or modify any existing laws, executive orders or departmental policies relative to ethics. If any terms of this policy conflict, the existing laws, executive orders or departmental policies shall prevail.

**BACKGROUND AND PURPOSE:**

Each fiscal year (July 1 to June 30) ODOT spends millions of dollars for supplies and services required for the daily operation of its operations and facilities. The processes associated with these purchasing efforts involve the expenditure of tax dollars that creates a trust between ODOT and the general public. All employees are responsible for becoming familiar with the purchasing statutes and rules, the ethics laws of the state of Ohio, any Executive Orders and departmental policies pertaining to ethical conduct.

Employees are required to perform their daily activities in a professional and responsible manner to maintain the public trust. Employees must avoid any “appearance or perception of impropriety.” Employees who violate the purchasing statutes or rules, ethics laws, Executive Order(s) or departmental policies will be subject to any penalties set forth by law, as well as, subject to disciplinary action up to and including termination of employment.

**DEFINITIONS:**

Purchasing Authority – That power given to an ODOT employee to procure supplies or services.

Sales and Marketing Call – Any call from a vendor to an ODOT employee with a goal of securing a sale or purchase with ODOT.

Stock Related Duties – the procurement of commodities through a vendor that is not predefined in an existing DAS or ODOT contract.

Vendor – Any person(s) or entity or person(s) representing such entity currently doing or seeking to do business with ODOT.
Visit – The physical appearance and interaction with an ODOT employee, of a person(s) representing a vendor, either on or off ODOT property during regular business hours.

**PROCEDURE:**

**A. ODOT Employee Responsibilities:**

1. An employee may not participate in or receive an unannounced visit from a vendor.

2. All vendor visits must be scheduled in advance and by appointment only.

3. All visits must be formally documented through the use of a sign-in/sign-out log. (See Appendix A)

4. Laminated notification signs must be posted at the entrances of all ODOT facilities notifying and instructing vendors of the above policy. (See Appendix B)

5. Vendors shall be escorted by an ODOT employee during their visit and throughout the facility.

6. Employees who violate this policy may be subject to discipline.

7. Cold calling is a method of marketing a service or product by calling prospective clients without an introduction, to determine if the potential client has a need for the caller's product. Cold calling may provide a legitimate source of information for ODOT. However, cold calls may become disrupting or inappropriate and therefore, should be brief, and terminated as soon as possible. ODOT employees should encourage the caller to forward any pertinent literature for consideration. ODOT employees are not expected to return or to accept repeated cold calls from a vendor.

In addition to the legal requirements for ethical conduct, employees shall comply with the following:

8. No employee shall solicit or accept anything of value for personal use, either directly or indirectly, from anyone who has or is seeking to do business with the State or with ODOT.

9. No employee shall use or authorize the use of their position of employment to secure anything of value for personal use, or promise or offer to provide
anything of value from anyone who has or is seeking to do business with the State or with ODOT.

10. No employee shall outwardly display, in the workplace, any promotional items provided by a vendor who has or is seeking to do business with the State or with ODOT. Personal use of promotional items may be permissible if done in a discrete manner limiting, if possible, disclosure of the name, logo or other identifying trademark of the supplier.

11. Employees may participate in business lunches, dinners, trade events or conferences provided that such activities are not established to discuss a forthcoming procurement or bid or RFP that is under evaluation. Employees are expected to pay for their meals, registration, travel or lodging subject to reimbursement in accordance with state travel policies. Acceptance of door prizes or gifts is discouraged. However, if a door prize or gift of nominal value is accepted from a vendor that is doing business or seeking to do business with the State or with ODOT, it must be reported to the employee’s immediate supervisor. If the value of the prize exceeds $20.00, the employee must return the prize. Employees should use good judgment when participating in such activities.

12. All purchasing activities are of public interest and a matter of public record. Employees shall conduct their official duties so that all actions can be fully substantiated and legally defended. No employee shall disclose or use, without proper authorization, any information acquired in the course of performing their official duties for personal gain. Employees shall maintain complete and concise records on all purchasing activities subject to existing laws pertaining to public records.

B. Vendor responsibilities:

All vendors who are actively doing business with or seeking to do business with the State and/or with ODOT are expected to perform their business activities in a professional manner and avoid any “perceptions of impropriety.” Vendors will be responsible to review and become familiar with the ethics laws of the state of Ohio. Any vendor who violates Ohio’s ethics laws or any executive order or ODOT policy will be subject to legal penalties up to and including debarment.

ODOT utilizes a variety of methods for establishing contracts for supplies and services which include: competitive sealed bidding, competitive sealed proposals, direct purchases, reverse auction, multiple award contracts and request for quotes. Processes for implementing these methods have been developed to ensure fair and equal treatment of all vendors participating in the purchasing activity. Any vendor that attempts to
influence the evaluation and/or award of a contract either directly or through an outside agent or representative will be disqualified and will not be able to participate in the purchasing activity. In addition, a vendor who attempts to influence an evaluation or award will be subject to penalties set forth by law up to and including debarment from doing business with ODOT and/or the state of Ohio.

C. Suspected violation of ethics laws:

Suspected violations of ODOT purchasing statutes, rules, policies, or guidelines, or of Ohio’s ethics laws, executive orders by any employee of the State or a vendor are to be reported to the Agency Procurement Officer(s) or APO. The APO will advise the Chief Legal Counsel who may take appropriate action. If necessary or appropriate, the matter may be referred to the Inspector General, the Ohio Attorney General and/or the Ohio Ethics Commission for resolution.

TRAINING:

Biannual ethics training is required for all ODOT employees. Purchasing training is required of all those involved in purchasing supplies and services for the department.

FISCAL IMPACT:

Minimize financial damages through fraud.
APPENDIX:
Appendix A:

# VENDOR SIGN IN SHEET

<table>
<thead>
<tr>
<th>Date</th>
<th>Time In</th>
<th>Name</th>
<th>Vendor</th>
<th>Who are you here to see?</th>
<th>Purpose</th>
<th>Scheduled Appt. Time</th>
<th>Time Out</th>
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Appendix B:

Entrance notification sign for Vendor visits:

SOLICITATION POLICY ATTENTION:

Solicitation by vendors is by appointment only. Vendors must sign in at the front desk, be escorted by an ODOT employee throughout the facility, and display the appropriate visitation badge. Vendors are required to sign out at departure.