

## **STANDARD OPERATING PROCEDURE:**

### **10.0 ETHICAL CONDUCT**

*This procedure is in accordance with Procurement and Payment Policy [20.1.11](#).*

#### **Introduction**

Care must be taken to avoid the intent and appearance of unethical practice in relationships, actions and communications. All procurement activities conducted on behalf of the university must be in compliance with the standards outlined in federal, state and local laws; university policies; and the UPS procedures. UPS may require Rutgers individuals involved in supplier proposal evaluations, or contract activities, to sign conflict of interest disclosures.

#### **Procedure Outline**

- 10.1 Confidentiality**
- 10.2 Conflicts of Interest**
- 10.3 Prohibition of Gifts from Suppliers**
- 10.4 Unauthorized Purchases**
- 10.5 Debarred Supplier List**

#### **Definitions**

**Standard Operational Procedure (SOP):** A set of instructions that functionally describes the key procedures.

#### **Procedures**

##### **10.1 Confidentiality**

In an effort to protect the interest of the university and all the parties involved in the sourcing process, it is imperative for employees to understand the sensitivity of the process. University employees must handle confidential or proprietary information with due care and proper consideration. UPS employees and other Rutgers employees are prohibited from discussing pricing, terms, conditions or quotes given by suppliers except with Rutgers employees involved in the sourcing process.

##### **10.2 Conflicts of Interest**

Any employee who believes that they have or have the appearance of a potential purchasing-related conflict of interest should remove themselves from any sourcing activity. University employees should not make purchasing decisions or otherwise influence the university's decisions to do business with any supplier affiliated with the university employee, a relative of the university employee, or any other individual who would be perceived as a potential conflict, including participation in the selection, award, or administration of a contract if there is a real or apparent conflict of interest. The sourcing lead will

ensure that the Conflict of Interest document is executed for all RFP's over \$150,000.

### **10.3 Prohibition of Gifts from Suppliers**

University employees should neither solicit nor accept money, loans, credits, entertainment, favors, services or gifts from current or prospective suppliers. Such gifts and gratuities, even if of seemingly low value, can give rise to a conflict of interest or the appearance of a conflict of interest.

University employees should never accept gifts and gratuities from a current or prospective supplier that has submitted or may submit a bid for a university contract for which a bid solicitation is being contemplated, developed or is actively accepting bids. If it is deemed necessary to visit a supplier site for a demonstration, the university pays all related expenses. Please see [Rutgers Policy 40.2.12 - Gratuities, Guests, Gifts and Use of University Resources](#).

In the event that University employees receive gift(s) from Suppliers, they should contact University Finance and Administration at 848-932-4300 for further assistance.

### **10.4 Unauthorized Purchases**

Employees should refrain from purchasing goods and/or services or commit Rutgers to the purchase of goods and/or services without processing the procurement request through an approved UPS process. Procurements that bypass UPS may expose the university and the requesting unit to unnecessary legal repercussions. A university employee who makes an unauthorized purchase may have their purchasing responsibilities suspended or revoked. In addition, the employee may face disciplinary action, and may be held personally liable for any charges incurred.

#### **10.4.1 Splitting Purchases**

Splitting a transaction into smaller dollar amounts, delaying, staggering purchases, and using multiple staff members to purchase the same or related items to avoid competitive bidding, are serious violations. Any transaction found to be in violation of the university's competitive bid requirements may be reported to the Executive Vice President-Chief Financial Officer and University Treasurer for further action.

#### **10.4.2 Personal Purchases**

University funds may not be used for personal purchases for university faculty, staff or students at any time. Similarly, a unit may not place an order for an individual employee or student and then have those individuals reimburse the unit.

### **10.5 Debarred Supplier List**

Rutgers University complies with Federal regulations that prohibit transacting or making payments to suppliers that are debarred or appear on a prohibited list maintained by the U.S. Federal Contractor Registration, or other federal agency. This applies to all procurement and disbursement transactions

including but not limited to suppliers, individuals, external/independent contractors or consultants, professional services providers, entertainers, performers, one-time lecture fees and construction related goods and services.

No contract, agreement, purchase order, or payment by the University is allowed at any time to debarred suppliers or parties. Units should not initiate a request for contract, agreement, purchase order or payment to these suppliers or parties. UPS will cancel any contracts, agreements, or purchase orders inadvertently issued, and will return unprocessed any invoices submitted for payment.

If any current suppliers appear on the denied parties/debarred list, the following steps will be taken by UPS:

- 1) Deactivation of the supplier in RU Marketplace/Oracle.
- 2) Notification to [University Ethics and Compliance](#).
- 3) Notification to the Unit for any open transactions with the supplier.
- 4) Closure of any open transactions subject to the terms of any existing contracts.

## References

## Revisions

Effective Date	Approver	Change Reference	Issue #
06/2023	M. Gower		3