

STOCKBRIDGE-MUNSEE COMMUNITY
Purchasing Department Policy

Subject: **Standards of Conduct**
Issued to: All Manual Holders

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Standards of Conduct:

In addition to applicable Tribal Laws addressing ethics and conflicts of interest, all tribal officials, employees, and agents who are involved in purchasing or contracting activities must follow standards of conduct.

- Authority to initiate a purchase or lease of goods or services on behalf of the Tribe is delegated by the Tribal Council. Those delegations shall not be exceeded.
- Tribal officials, employees, and agents will refrain from participating in a purchasing or contracting action in which a conflict of interest is involved. Such a conflict arises when the Tribal official, employee, or agent has a financial or other interest in the firm being considered for award of a purchase order or contract. It also arises when an immediate family member (mother, father, brother, sister, husband, wife, son, daughter, or significant other) or a business partner or associate of the tribal officer, employee, or agent, has an interest in the firm.
- Tribal officials, employees, and agents will not solicit or accept gratuities, favors, or gifts of monetary value from vendors, potential vendors, contractors, potential contractors, or parties to sub-agreements.
- Any tribal official, employee, or agent who has unknowingly obtained any benefit resulting from a purchase or contract awarded by the Tribe will immediately, upon discovery, report the benefit to their immediate supervisor. Failure to report such a benefit, once it has become known to the person, is a breach of the ethical standards governing tribal procurement activities.
- No tribal official, employee, or agent of the Tribe shall knowingly use confidential information regarding a potential purchase or contract for goods or services for actual or anticipated personal gain.
- Tribal officials, employees, and agents engaged in procurement activities will at all time act in good faith when dealing with actual or potential vendors or contractors.
- Any tribal official, employee, or agent who has doubts about the propriety of an action or decision shall refrain from taking that action or making that decision until such time as such doubt has been resolved. When advice or counsel would be helpful and proper, the tribal official, employee, or agent should seek it.

Conflict of Interest

No officer, employee or agent of the Stockbridge-Munsee Tribe shall participate in selection or in the award or administration of a procurement or contract if a conflict of interest would be involved. Such conflict would arise when:

- The officer, employee, or agent; and/or
- Any member of his or her immediate family; and/or
- His or her partner; and/or
- An organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

Conflicts of interest fall under two broad categories, *actual* and *apparent*. Conflicts of interest include the following:

- Engaging in a private business or professional activity where there would be a conflict between official duties and one's private interest.
- Having a financial interest, either directly or indirectly, where there would be a conflict between official duties and the financial interest. This includes the employee, the employee's spouse, the employee's children, any organization in which the employee serves as an officer, or an organization with which the employee may be negotiating or has an arrangement for prospective employment.
- Using or giving the appearance, of providing inside information to further a private interest for oneself or another person with whom one has family, business or financial ties. Inside information is information available to the tribe or tribal business, but not available to the public.
- Using one's official position to obtain a financial benefit for oneself or another person.

Employees should guard against doing anything that might appear to give one person, group, or business an advantage over another. Employees should also be especially careful if their actions appear to benefit a friend or relative.

If a conflict occurs full disclosure to the immediate supervisor is required upon discovery.

Gratuities

Tribal officials, employees, or agents may not solicit or accept, directly or indirectly, any gift, favor, entertainment, loan, or item of monetary value from anyone who has or is seeking to obtain tribal business with the employee's agency, conducts activities that are regulated by the employee's agency, or has interest that may be substantially affected by the performance or nonperformance of the employee's official duties.

Food, drink, and transportation are considered gratuities except in the following situations:

- Food and drink served at luncheons, dinners, and similar type gatherings sponsored by an industrial, technical, or professional association are permitted if there are discussions of matters of mutual interest to the tribe and industry. The sponsor must be an association, not a contractor.

- Customary social exchanges between personal friends and relatives are permitted if the exchange is on a personal basis.
- Things available to the public at a trade show or exhibition.
- Participation in a community activity where the relationship with the contractor is remote, though the activity might be sponsored by the contractor.
- Local transportation provided by the contractor while on official business may be accepted when alternate arrangements are not practical. However, this should be restricted to working hours.

Violations of Purchasing Policy and Unauthorized Acts

- Individuals who purchase without the proper authority are acting outside the scope of their duties and the purchase will be deemed as the personal responsibility of the individual, and it is the personal obligation of the individual making the purchase to remove the name of the Tribe or Tribal Entity as being party to the transaction.
- All Tribal Departments are bound by the Purchasing Department Policies and shall fully comply with all said policies. Persons who do not comply with these policies are subject to disciplinary action.