

Form 113
Sample Code of Conduct

The following rules of conduct govern the actions of grantees' elected public officials, employees and their agents in the procurement and management of Community Development Block Grant contracts for items and services.

Adhering to these rules will help insure compliance with all applicable state laws pertaining to procurement and conflicts of interest. The rules contained herein supplement, not supersede, any conduct requirements established by federal, state or local laws.

No elected officials, employees or agents of the grantee shall

1. If applicable, fail to file Financial Disclosure Statements in accordance with Arkansas Code Annotated (A.C.A.) § 21-8-305 through 309
2. Be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the grantee or any entity created by the grantee, or accept or receive any property, money, or other valuable thing, for their use or benefit on account of, connected with or growing out of any grantee contract or transaction. If, in the purchase of any materials, supplies, equipment, or machinery, any discounts, credits, or allowances are given or allowed, they shall be for the benefit of the grantee; and it shall be unlawful for any officials or employees to accept or retain the same for their own use or benefit.
3. Acquire an interest in any business or undertaking that may be directly affected economically by official action taken by the grantee
4. Be a purchaser at any sale or a vendor of any purchase made by them in their official capacity
5. Perform an official act directly affecting a business or other undertaking to its economic detriment when they have a substantial financial interest in a competing firm or undertaking
6. Use their position to secure special privileges or exemption for themselves, their spouse, child, or other relatives, or for those with whom they have a substantial financial relationship that are not available to others, except as may be otherwise provided by law
7. Accept employment or engage in any public or professional activity while serving as a public official, employee or their agent which they might reasonably expect would require or induce them to disclose any information acquired by reason of their official position which is declared by law or regulation to be confidential
8. Fail to discharge their duties impartially so as to assure fair, competitive access to government procurement by responsible contractors
9. Participate directly or indirectly in any proceeding, request, claim, controversy, or other particular matter pertaining to any contract or subcontract or solicitation or proposal, in which to the elected public official's, employee's, or agent's knowledge, the elected public official, employee or their agent(s) or any member(s) of any of their immediate family has a financial interest or any other person, business, or organization with whom

- the elected public official, employee or their agent(s) or any member of their immediate family is negotiating with or has made arrangements concerning jobs
10. Accept a gratuity or offer of employment in connection with any decision influencing the content of any specification or procurement standard
 11. Accept payments, gratuities, or offers of employment made by or on behalf of any individual as an inducement for the award of a contract
 12. Circumvent competitive bidding requirements by
 - Failing to advertise for sealed bids or soliciting proposals and engaging in non-competitive negotiation
 - Failing to use established evaluation criteria
 - Breaking down contract bids into small parts so as to utilize small procurement procedures rather than sealed competitive bid procurement or competitive negotiation procurement procedures
 - Identifying the names of those invited to bid
 - Preparing fictitious bids to simulate competition
 13. Allow excessive price charges
 14. Award construction contracts to other than the low bidder without adequate justification
 15. Accept a bid that does not contain a price for all items or services included in the Invitation to Bid form
 16. Authorize payment for work not completed
 17. Execute contracts with firms or individuals on the United States Department of Housing and Urban Development list of Debarred, Suspended and Ineligible Contractors
 18. Conduct any procurements inconsistent with the provisions of the ACEDP Administrative Procedures Manual and local requirements
 19. Knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person

All procurement information shall be a matter of public record to the extent provided in the Freedom of Information Act.