

TEXAS STATE UNIVERSITY PROCUREMENT CERTIFICATION STATEMENTS

As an individual that provides procurement support and or contract management, you are required to certify, at the beginning of each fiscal year, that you will abide by all federal and state statutes, The Texas State University System (TSUS) Rules and Regulations, TSUS Contract Management Handbook, Texas State University Policies and Procedures Statements (UPPS), Finance and Support Service Policies and Procedures Statements (FSS/PPS), and Procurement Procedures Handbook (PPH) when performing all procurement and or contract related tasks.

The certification includes Standard of Conduct, Ethics, Conflict of Interest and Conflict of Commitment. Your signature below certifies that you have read, understand, and agree to uphold the requirements as a procurement and/or contract management individual.

A special responsibility is imposed on all people who are entrusted with the disposition of the state's funds. The fiduciary nature of the purchasing function, particularly when expending public funds, makes it critical that all persons involved in the process remain independent, free of obligation or suspicion, and free from the perception of impropriety. Premature or unauthorized disclosure of information regarding a proposed solicitation irreparably harms the State's interests and may constitute a violation of Section 39.02 of the Texas Penal Code, the antitrust laws of the United States and the State of Texas, and/or the Texas Public Information Act (Chapter 552, Texas Government Code). Credibility and public confidence are vital throughout the purchasing and contracting system. The appearance of impropriety can be as harmful as the conduct itself. It is with this in mind that the following certification is set forth.

I participate in procurement processes for the Texas State University.

I agree that I will disclose any information about which I am aware regarding my involvement in any agency decision-making or recommendations on a procurement that could constitute a conflict of interest or create the appearance of impropriety. I understand my relationship with an employee of a business entity that is or may be a respondent or subcontractor may constitute a conflict of interest when that employee is my spouse, child, spouse's child, parent, spouse's parent, child's spouse, brother, sister, grandparent, spouse's grandparent, grandchild, spouse's grandchild, spouse's sibling, sibling's spouse, nephew, niece, uncle, aunt, great-grandparent, or great-grandchild. For purposes of this disclosure, a step-relationship or adoptive relationship is considered the same degree as a natural relationship. If, during any procurement process, I become aware of any actual, potential, or perceived conflict, I will immediately notify my manager and [the assigned legal counsel or my agency's ethics office].

I agree that I will not participate in any procurement process if I have, or if I am aware that any member of my immediate family has, an actual, potential, or perceived financial interest in a procurement, including, but not limited to, employment or prospective employment, in a

business or organization that may be a respondent (a respondent may be called a proposer, an offeror, a bidder, or other like term) or a subcontractor to a respondent. The term “immediate family,” as used in this Certification means: One’s parents, spouse, children, brothers, and sisters, whether residing together or not.

I agree that I will not solicit or accept anything of value from an actual or potential respondent. Should I receive a gift, whether solicited or unsolicited, from an actual or potential respondent or a current, potential, or previous vendor, I agree to follow my agency’s policies regarding disposal of the gift.

When participating in procurement processes, I will act on my own accord and not act under duress. I will not participate in a procurement process if I am currently employed by, or if I am receiving any compensation from, or if I will be the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in return for favorable consideration of a respondent(s) during a procurement process.

I will not let any preconceived position I may have regarding the relative merits impact the fair and impartial performance of my responsibilities, nor will I perform my responsibilities based on a personal preference or position regarding the worth or standing of any respondents participating in any procurement. Further, I will, to the utmost of my ability, ensure that the solicitation and the specifications provide all potential respondents an equal and fair opportunity to submit a proposal for evaluation, taking care to ensure that specifications and evaluations are not intended to favor any particular respondent, performing any and all tasks related to the solicitation in an unbiased manner, to the best of my ability, and with the best interest of the State of Texas paramount in all decisions.

I agree not to disclose or otherwise divulge any information pertaining to a procurement including, but not limited to, the following: the development of the solicitation, the content of any response received, the ranking of any response, or the status of the procurement, to anyone other than authorized agency personnel (*e.g.*, approved evaluators, management) assigned to the procurement unless such communication is lawful and in the ordinary course of business consistent with my agency’s purchasing policy. I understand the terms “disclose or otherwise divulge” to include but are not limited to, reproduction of any part or portion of any response, or removal of same from designated areas without prior authorization from my manager. If I receive a request for information regarding a procurement from a vendor or other member of the public, I will follow my agency’s procedures for responding to such requests which may include providing notification to personnel designated by my agency to manage public information requests.

I agree to perform any and all duties relating to the award process in an unbiased manner, to the best of my ability, and with the best interest of the State of Texas paramount in all decisions.

I will immediately inform both my management and Procurement & Strategic Sourcing Office if, at any time during the procurement process, any of these statements are no longer true and correct.

I have been given the opportunity to review this statement prior to signing. If I have questions or concerns about this statement, I am to contact my management or Procurement & Strategic Sourcing Office. I have not made any changes or deletions on this form without informing my manager or Procurement & Strategic Sourcing Office.

Should I violate any of the conditions of this agreement, I understand that I may be subject to the

agency's disciplinary policies as well as possible actions relating to any professional certifications or licenses that I may hold.

Standard of Conduct and Conflict of Interest

Per Texas Government Code Title 5 Subtitle B Subchapter C Chapter § 572.051-Standards of Conduct and Conflict of Interest Provisions:

- (a) A state officer or employee should not:
 - (1) accept or solicit any gift, favor, or service that might reasonably tend to influence an individual in the discharge of official duties or that the individual knows or should know is being offered with the intent to influence the individual's official conduct;
 - (2) accept other employment or engage in a business or professional activity that the individual might reasonably expect would require or induce the individual to disclose confidential information acquired by reason of their position;
 - (3) accept other employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of the individual's duties;
 - (4) make personal investments that could reasonably be expected to create a substantial conflict between the individual's private interest and the public interest; or
 - (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the individual's powers or performed by the individual's duties in favor of another.
- (b) A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.
- (c) Each state agency shall:
 - (1) adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection (a) and other provisions of this subchapter; and
 - (2) distribute a copy of the ethics policy and this subchapter to:
 - (A) each new employee not later than the third business day after the date the person begins employment with the agency; and
 - (B) each new officer not later than the third business day after the date the person qualifies for office.
- (d) The office of the attorney general shall develop, in coordination with the commission, and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). A state agency is not required to adopt the model policy developed under this subsection.
- (e) Subchapters E and F, Chapter [571](#), do not apply to a violation of this section.
- (f) Notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's

investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

Code of Ethics

Per the Texas State University System Rules and Regulations Chapter VIII Section 4.2: An employee of The Texas State University System or any of its Components shall not:

- (1) Accept or solicit any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties;
- (2) Use an official position to secure special privileges or exemptions for the employee or others, except as may be otherwise authorized by law;
- (3) Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the employee to disclose confidential information acquired by reason of such employee's official position or impair the employee's independence of judgment in the performance of public duties;
- (4) Disclose confidential information gained by reason of one's employment, or otherwise use such information for personal gain or benefit;
- (5) Transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member or in which the employee owns a controlling interest unless the Board of Regents has reviewed the matter and determined no conflict of interest exists;
- (6) Make personal investments in any enterprise which could reasonably be expected to create a substantial conflict between the private interests of the employee and the public interests of his or her employer;
- (7) Receive any compensation for services as a state employee from any source other than the State of Texas, except as otherwise permitted by law;
- (8) Commit any act of fraud, dishonesty, or illegality in office, including (by way of example and not limitation) assisting others to obtain personal or financial benefits to which they are not entitled by law or policy; forging or altering checks, bank drafts, or other documents, financial or otherwise; knowingly authorizing improper claims; or,
- (9) Engage in any form of sexual harassment or racial harassment as defined in these Rules and Regulations.

Conflict of Commitment

Per the TSUS Contract Management Guide Section II – Ethics and Professional Standards, institution personnel involved with procurement and contract management must adhere to the highest level of professionalism in discharging their official duties. The nature of procurement and contracting functions makes it critical that everyone in the process remain independent and free from the perception of impropriety. Any erosion of public trust or any shadow of impropriety is detrimental to the integrity of the process. Consequently, the credibility of a procurement and contracting program requires that a clear set of guidelines and rules be established. Such guidelines and rules are designed to prevent actual

and potential vendors from influencing Institution employees or officials in discharging their official duties. Furthermore, these guidelines and rules will help prevent the Institution employees' or officials' independent judgment from being compromised.

Texas Education Code § 51.9337(c)(2).

- (c) The code of ethics governing an institution of higher education must include:
 - (2) policies governing conflicts of interest, conflicts of commitment, and outside activities, ensuring that the primary responsibility of officers and employees is to accomplish the duties and responsibilities assigned to that position.

I hereby certify that I understand and agree to be bound by the commitments contained herein:

Signature

Printed Name

Date