ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENGINEERING CONSULTANTS SECTION
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Arizona Governor's Award for Quality
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State Engineer

March 5, 1999

Engineering Consultants Section

INFORMATION BULLETIN 99-07

TO: Consultants

FROM: Engineering Consultants Section

SUBJECT: ADOT Gift Policy

Attached is the ADOT Policy Memorandum on Standards of Conduct. The policy addresses the acceptance of gifts, entertainment and other gratuities by ADOT employees from consultants, contractors and others with whom we do business.

The policy is being circulated to consultants as a reminder of the rules that ADOT employees must follow. Violation of the policy could be a violation of the ADOT Conflict of Interest Policy and grounds for potentially serious disciplinary action.

If there are any questions please contact the Engineering Consultants Section at (602) 712-7525.

ARIZONA DEPARTMENT OF TRANSPORTATION

OFFICE MEMO

February 18, 1999

TO: MATERIALS GROUP
CONSTRUCTION GROUP
DISTRICT ENGINEERS
TRANSPORTATION PLANNING
BRIDGE GROUP
TRAFFIC GROUP
ROADWAY GROUP
ENGINEERING TECHNICAL GROUP
RIGHT OF WAY GROUP
STATEWIDE PROJECT MANAGEMENT GROUP
VALLEY PROJECT MANAGEMENT GROUP
REGIONAL FREEWAY SYSTEM
TRANSPORTATION TECHNOLOGY GROUP

FROM: TOM SCHMITT, STATE ENGINEER

SUBJECT: ACCEPTANCE OF GIFTS AND OTHER GRATUITIES

Attached is the Policy Memorandum on Standards of Conduct. The policy addresses the acceptance of gifts, entertainment and other gratuities from contractors, consultants, and others with whom we do business. The policy states that "routine or repeated acceptance of meals, entertainment or gifts from a particular firm (i.e., consultant, contractor or other vendor) is prohibited". The policy also states that "this would prohibit allowing your lunch tab to be picked up with any degree of frequency; this would also preclude lunches or other occasions which are not in the context of official business."

It is intended that this policy be periodically published as a reminder since violation degrades or destroys our public trust; not to mention violating the ADOT Conflict Of Interest Policy and could be grounds for potentially serious disciplinary action. Please review your own circumstances and if you are a supervisor, those of your employees and take steps to eliminate any questionable areas.

STANDARDS OF CONDUCT
EFFECTIVE DATE: NOV. 18, 1992
ENGINEERING CONSULTANTS SECTION
NUMBER OF PAGES: 2

POLICY NUMBER 91-08
TRANSMITTAL DATE: FEBRUARY 18, 1999
SUPERSEDE DATE: CONTINUOUS
REVIEW DATE: FEBRUARY 18, 2000

APPROVED: _____
Tom Schmitt, State Engineer

PURPOSE

The purpose of this policy is to clarify questions employees may have throughout the year regarding the receipt of gifts and other gratuities from those members of the public with whom we do business. Primarily these are contractors and consultants but they might also include vendors, developers, or property owners.

BACKGROUND

Public employment carries with it a public trust. It is the policy of the Intermodal Transportation Division to promote and protect its integrity in all cases in which this public trust has been placed. This is particularly true in those areas where we have a high level of contact with outside professional firms.

Although partnering has been adopted the Department, we never want to give the impression of any improper conduct related to our association with any contractor, consultant or vendor. Acceptance of any gift, entertainment, or gratuity with more than a nominal value cannot be accepted by any Intermodal Transportation Division employee. Routine or repeated acceptance of meals, entertainment, or gifts from a particular firm is also prohibited by this policy. This would prohibit allowing your lunch tab to be picked up with any degree of frequency; this would also preclude lunches or other occasions which are not in the context of official business.

POLICY

The ADOT Administrative Procedures Manual provides the following Conflict Of Interest Policy:

> "No officer or employee shall accept or solicit, directly or indirectly, anything of economic value which is or may appear to be designed to influence official conduct, particularly from persons seeking to obtain contractual, business or other financial arrangements with the Department or who has interests that might be substantially affected by the performance of the officer's or employee's duty.
> Officers or employees should exercise caution when accepting meals, beverages or other refreshments from individuals who are seeking or already conducting official business with the state. The acceptance of beverages or other incidental refreshments should be limited to the infrequent occasions when offered in the ordinary course of a meeting or conference, and when such foods are offered at no charge to all participants.
> This policy does not restrict an officer or employee from seeking a loan from a financial institution on customary terms and for proper purposes, nor does it prohibit the acceptance of unsolicited promotional materials of nominal value.
> Since the intention of this policy is to avoid even the appearance of any impropriety, officers or employees are encouraged to report any offer of a gift or gratuity to the immediate supervisor as soon as possible after such an offer is made."

Gifts that are deemed unacceptable under this policy should be returned to the sender or, if this is impractical, donated to a charitable organization and the person or company providing the gift notified, in writing, of the action taken. This will ensure not only that the position is not used for personal gain, but that it is not interpreted as such by the public.

This policy is to be considered as the minimum guideline for the conduct of employees. If questions should arise regarding the propriety of a given situation, make an inquiry to your supervisor for resolution. In general, if there is a question of propriety, opt in favor of non-acceptance.

The personnel of the Intermodal Transportation Division have long been recognized for their high integrity and with everyone's support we will continue this reputation in the future. We must avoid any perception that the public or the media could have because of the receipt of such gifts from those with whom we do business.

IMPLEMENTATION

This policy should be distributed periodically to the contracting and consulting communities. It should also be permanently posted in a prominent place in each work site. A copy of the policy should be given to all employees who frequently communicate with contractors, vendors, or consultants.