CITY OF PALM BEACH GARDENS

VENDOR CODE OF CONDUCT
Palm Beach County = “Corruption County”
FINAL PRESENTMENT
OF THE
PALM BEACH COUNTY GRAND JURY

INVESTIGATION OF PALM BEACH COUNTY
GOVERNANCE AND PUBLIC CORRUPTION ISSUES

SPRING TERM A.D. 2009

************************************************
MICHAEL F. McAULIFFE
State Attorney

PAUL ZACKS
Chief Assistant State Attorney

ALAN JOHNSON
Assistant State Attorney
PBC Ethics and IG Ordinances

ORDINANCE NO. 2009- 049

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR TITLE; CREATING AND ESTABLISHING THE PALM BEACH COUNTY OFFICE OF INSPECTOR GENERAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.
2010 Countywide Ethics Referendum

County Charter Amendment for Ethics Regulation Ballot Language

On July 20, 2010, the Palm Beach County Board of County Commissioners passed Ordinance No. 2010-019 proposing an amendment pertaining to ethics regulation to the Charter of Palm Beach County. This amendment has been authorized for placement on the November 2, 2010 General Election Ballot. The ballot language is as follows:

REQUIRING COUNTY CODE OF ETHICS, INDEPENDENT ETHICS COMMISSION AND INDEPENDENT INSPECTOR GENERAL

Shall the Palm Beach County Charter be amended to require the Board of County Commissioners to establish by ordinances applicable to Palm Beach County and all municipalities approving this amendment: a Code of Ethics, an independent Commission on Ethics funded by the County Commission, and an independent Inspector General funded by the County Commission and all other governmental entities subject to the authority of the Inspector General?

YES _____

NO _____

# # #
### 2010 Referendum Results

<table>
<thead>
<tr>
<th>Vote for 1</th>
<th>Percent</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>72.34%</td>
<td>240,660</td>
</tr>
<tr>
<td>NO</td>
<td>27.66%</td>
<td>92,024</td>
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</tbody>
</table>

Referendum passes by **72%**

Palm Beach County passes sweeping ethics reforms
Budget Overview

| FY 2013 Combined Total Budget of All 42 Government Entities under the OIG jurisdiction | $7.4 Billion |
| FY 2013 Office of Inspector General Budget | $3.7 Million* |

* Includes funding from Children’s Services Council, Health Care District, and Solid Waste Authority.

Click Here to see the County/Municipal portion of the OIG Budget

Comparison of FY 2012 OIG Cost Per Citizen

<table>
<thead>
<tr>
<th></th>
<th>Annual OIG Cost Per Citizen</th>
<th>Gallon of Milk</th>
<th>Movie Ticket</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2012</td>
<td>$2.20</td>
<td>$3.79</td>
<td>$9.50</td>
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</table>

Historical Data

<table>
<thead>
<tr>
<th>Period</th>
<th>Budget</th>
<th>Amount Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2010 - September 2011</td>
<td>$1.8 Million</td>
<td>$1.3 Million</td>
</tr>
<tr>
<td>October 2011 - September 2012</td>
<td>$3.3 Million</td>
<td>$2.7 Million</td>
</tr>
</tbody>
</table>
Mandatory Written Notifications of:

- RFP, RFQs, Invitations to Bid
- Bid Openings
- Selection Committee Meetings
- Contract Award Notifications
- Purchasing Policies and Procedure Changes
Purchasing Department

About Us

The Purchasing Department is the central purchasing agency of the City of Palm Beach Gardens. It is the responsibility of the Purchasing Department to issue and maintain purchasing policies, procedures and guidelines for the City's departments. It is also the Purchasing Department's responsibility to issue solicitations and prepare contracts at the authorization levels established within the purchasing guidelines.

The Purchasing Department's goal is to provide the City with the required goods and services in the most cost effective manner and at the time and place necessary to help ensure that the City provides the public timely and quality service. The purchasing function involves the procurement of goods, materials, supplies, equipment, and services at the lowest possible cost consistent with the quality needed for the daily operations of various City departments. The Department's ultimate goal is the promotion of the City's best interest through proper planning and fair dealing with vendors to obtain maximum value for each dollar expended.

Purchasing Department Receives OA4 Accreditation Award from NIGP!
Standardization of Procurement and Contract Management
Certificate of Achievement

Having demonstrated Excellence in Public Procurement through the Accomplishment of Rigorous Standards and Best Practices, NIGP: The Institute for Public Procurement is Hereby Honored and Privileged to Recognize

CITY OF PALM BEACH GARDENS
PURCHASING DEPARTMENT

through this
Outstanding Agency Accreditation Achievement Award

Certificate Number: 122
Originally Issued: April 16, 2013
Through: April 15, 2016

Rick Grimm, CPPO, CPPB
Chief Executive Officer

NIGP
THE INSTITUTE for PUBLIC PROCUREMENT
VENDOR CODE OF CONDUCT

PURPOSE
The City of Palm Beach Gardens is committed to the highest standards of ethical and legal behavior and to the stewardship of taxpayer resources. We are governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and public being served. We expect our contractors, consultants, and suppliers (collectively “vendors”) to share this commitment.

This Code of Conduct contains principles and conduct standards that vendors as well as their employees and subcontractors must adhere to as they provide goods and services to the City.

VENDOR RESPONSIBILITY
Vendors are responsible for ensuring that:

a. This Code is shared with all individuals assigned to perform work on behalf of the City.

b. Any work performed for the City is done in full compliance with this Code, all applicable laws, regulations, and in accordance with the highest standards of ethical business conduct; and

c. Any work performed for the City is done by trained individuals with the skills, expertise and certifications necessary to complete the job in a safe and proper manner.

PRINCIPLES AND STANDARDS OF ETHICAL VENDOR CONDUCT
The City of Palm Beach Gardens expects its vendors to follow the Principles and Standards of Ethical Vendor Conduct based on the National Institute of Governmental Purchasing Code of Ethics.

COMPLIANCE WITH LAWS AND REGULATIONS
Obeying the law, both in letter and in spirit, is the foundation on which the City’s ethical standards are built. Vendors must comply with applicable laws, rules, and regulations at all levels of government in the United States and in any other jurisdiction in which the vendor does business.

CONFLICTS OF INTEREST
Ensure that any personal, business, or other activity does not conflict with the lawful interests of the City.

The City’s elected representatives and employees serve the public trust and are required to fulfill their responsibilities with care and loyalty and for the sole purpose of advancing the City’s...
Vendor Code of Conduct

PURPOSE
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Ensure that any personal, business, or other activity does not conflict with the lawful interests of the City.

The integrity of the City must be protected at all times, and the fiduciary relationships of the employees of the City must be honorable in both actuality and appearance.

A conflict of interest exists when a representative’s direct or indirect personal interests are inconsistent with or interfere with the best interests of the City. Any vendor of the City of Palm Beach Gardens must ensure there is no appearance or perception of unethical behavior by the vendor’s employees in its dealings with the City.

To avoid such conflicts, vendors shall disclose to the City:

a. Any direct or indirect personal interests in a vendor held by any employee or elected representative of the City.

b. Any family relationships with any employee or elected representative of the City.
CONFIDENTIALITY
Vendors must maintain the confidentiality of proprietary information entrusted to them. Confidential information includes all non-public information that might be of use to competitors or other third parties harmful to the City’s interests if disclosed. The obligation to preserve confidential information continues even after a vendor’s business relationship with the City ends.
PROTECTION AND PROPER USE OF CITY ASSETS
Vendors must protect the City’s assets and ensure their proper and efficient use. Theft, carelessness, and waste have a direct harmful impact on the City’s operations. The obligation of vendors to protect the City’s assets includes, but is not limited to; it’s proprietary information, including intellectual property and copyrights, as well as business plans, databases, records, employment information, and any unpublished financial data and reports. Unauthorized use or distribution of this information violates City policy and may also be illegal and result in criminal and/or civil liability.

The City retains the right to monitor its assets and work environments in compliance with applicable federal, state, and local laws. Vendors should have no expectation of privacy when using the City’s work space, computers, voicemail, or systems to create, access, transmit, or store information.
TIMELY AND TRUTHFUL REPORTING
Vendors who prepare and submit financial, sales, payment, performance metrics, and other documents to or filed with the City, federal, state or other local authorities are required to make disclosures that are full, fair, accurate, timely, and understandable. Vendors may not knowingly conceal or falsify information, misrepresent material facts, or omit important information to mislead the City.
SUSTAINABILITY AND SOCIAL RESPONSIBILITY
The City of Palm Beach Gardens recognizes that the products and services it purchases have inherent social, human health, environmental, and economic impacts. Our vendors are an integral part of the societies and communities in which they operate. Their influence extends to the employees they depend upon, the environment from which they draw their resources and the marketplace in which they participate. The City strongly encourages vendors to engage in responsible business practices through sustainability and social equity innovations. The City welcomes responses to advertised City solicitations from vendors who:

a. Utilize sustainable business practices;

b. Provide goods and services in a sustainable manner;

c. Do business with sub-vendors, sub-contractors, and consultants that are committed to doing business in a sustainable manner;

d. Do business with Minority-owned, Women-owned, and Emerging Small Businesses (MWESBs) sub-vendors, sub-contractors, and consultants; and

e. Make efforts to employ a diverse workforce.
HARASSMENT AND DISCRIMINATION
The City of Palm Beach Gardens is committed to maintaining a work environment that respects individual differences. The City expects its vendors to conduct themselves in a professional manner and to treat others with respect, fairness, and dignity. The City does not tolerate harassment or discrimination, including behavior, comments, jokes, slurs, e-mail messages, pictures, photographs, or other conduct that contributes to an intimidating or offensive environment. This includes conduct in the form of bullying, workplace hazing, or other activities that can be humiliating, degrading, or hostile.

Vendors shall comply with applicable federal, state, and local statutes prohibiting discrimination, and any behavior that creates an intimidating, offensive, or hostile work environment based upon an individual’s race, color, national origin, gender, religion, age, disability, marital status, familial status, sexual orientation or genetic information. It is the policy of the City that the following actions be strictly prohibited: harassment of, or discrimination against, any person on the basis of race, color, national origin, gender, religion, age, disability, marital status, familial status, sexual orientation or genetic information; sexual harassment; and retaliation against an employee for filing a complaint with a lawful authority based on any such alleged violation.
GIFTS, GRATUITIES, AND RECIPROCITY
The City has a strict No Gifts Policy. Accepting or giving a gift in a business setting can create a sense of obligation or the appearance of impropriety. The City of Palm Beach Gardens discourages and restricts its employees from accepting gifts. Gifts can be anything of value, including tickets to sporting or other events, meals, discounts, trips, goods, loans, or payments.
RAISING CONCERNS
These standards of conduct are critical to the ongoing success of the City of Palm Beach Gardens’ relationship with its vendors. If you encounter questionable activities, we encourage you to send your feedback to the City’s Purchasing and Contracts Director at kmra@pbgfl.com, or report the matter directly to the Office of the City Manager.
Questions?
Ethics of Good Business

Joseph Yarbrough
South Daytona City Manager
What Has Ron Ferris Told Us?

- Palm Beach County’s Inspector General:
  - Forced his City to centralize purchasing as a clearinghouse function
  - Noticed vendors of their responsibility to report unethical behavior of city employees
  - Noticed vendors of their need to be aware of rules applying to this conduct
What About The Rest Of Florida? Wide Open?

NOT!
The Fishbowl

- Watchdogs:
  - State Ethics Commission
  - International City/County Manager’s Association
  - News Media
State & ICMA

- State Ethics Commission responds to complaints filed by citizens

- ICMA only addresses issues involving members
  - Both follow similar investigative procedures
Personal experience with State Ethics Commission:

THE “BARN”
Thou Shalt Not – The 12 Tenets

Tenet 3

- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
Thou Shalt Not – The 12 Tenets, cont’d.

- Tenet 12
  - Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Also, managers cannot endorse products, but can report success or failure of services and products.
GUILTY UNTIL PROVEN INNOCENT

- We are what we are perceived to be
- Public records requests
- Unions, citizen groups and other distractions
  - 2 am call: Little League sponsor
What’s My Advice?

- Be sensitive to public perceptions
- Emails or direct mail
- Colleague referrals
- Piggy-backing
- Be careful of direct contact with elected official
- No walk-ins
- No cold calling
Florida Business Watch

- You tell the story of local government’s role in economic development and job creation.

- A story that all too often is lost on our legislature when heard from the public sector.
How To Secure Access?

Professional or Association Meetings:

- Examples–
  - Public Works
  - City Engineers
  - Parks & Recreation
  - Redevelopment
  - Finance Officers
  - Clerks
How To Secure Access?

- Elected Official Functions:
  - Florida League of Cities
  - Association of Counties
- Local or regional gatherings:
  - County League of Cities
  - Chamber of Commerce
  - Charity Events: example golf tournament sponsor
Special thanks to the corporate members (wearing Florida Business Watch ribbons)

You carry our message and deserve our gratitude.