

WSU

University Purchases from State Employees

DRAFT #4

OVERVIEW

A conflict of interest may occur whenever a University employee has a beneficial interest in a transaction with a state of Washington agency. (WAC 292-110-060)

Unless provided for by the Ethics in Public Service Law (RCW 42.52) and by the Executive Ethics Board (EEB) regulations (WAC 292-110-060) a University employee may not have a beneficial interest, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the employee. Likewise, such an employee may not accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant. (RCW 42.52.030)

Departmental Responsibility

Departmental representatives who authorize purchasing transactions are to verify and ensure that transactions are in conformance with provisions of RCW 42.52 and WAC 292-110-060.

Questions

The Internal Auditor answers questions relating to transactions which may involve conflicts of interest; telephone 335-2001.

**ALLOWABLE
TRANSACTIONS
(WAC 292-110-060)
(RCW 42.52.120)**

A University employee may not receive anything of economic value under a purchasing agreement with a state of Washington agency unless each of the following conditions are met:

- The purchasing agreement is legitimate and actually performed.
- The agreement is not within the employee's official duties, not under his or her supervision, not created or authorized by the employee in an official capacity, and is not within an area of his or her responsibility.
- The agreement is not prohibited by RCW 42.52.040 regarding assisting with transactions.
- The agreement is not performed for nor compensated by a person from whom the employee would not be able to accept a gift. (See RCW 42.52.150 for gift limitations.)
- The agreement does not require disclosure of confidential or nonpublic information.
- The purchasing agreement is awarded through Purchasing in an open and competitive bidding process and more than one bid is received.

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If No Competition

If only the employee's bid is received or if the bid process was not open and competitive, the transaction cannot go forward unless the following University approvals are obtained and the EEB rules that the transaction does not constitute an ethics violation.

The employee must obtain the approval of the dean (or equivalent administrator) who supervises the employee. After the dean's approval, the request must be approved by the Associate Vice President for Administration and Human Resources in the Office of Business Affairs; mail code 1045; telephone 335-5524.

After University approval, the employee forwards the University approval statement to the EEB with a request for an advisory opinion. The employee's proposal may be implemented if the Board rules that the transaction does not constitute an ethics violation.

An employee must seek approval from the Board no later than thirty days prior to commencement of the agreement. (WAC 292-110-060)

For information regarding the procedure for requesting an opinion from the EEB, access the following website:

<http://ethics.wa.gov/services.html>

Scroll down to the section "State Employees Seeking to Contract with Their Own or Another State Agency."

Personal Use of Resources

An employee's opinion request (as described above) is considered a request for a personal advisory opinion. Individuals may not use University resources to request personal opinions from the Board .

FILING REQUIREMENT

Each employee who is awarded a purchasing agreement in accordance with this section is responsible for filing the agreement with the EEB within thirty days of the date of execution. (RCW 42.52.120(3))

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