



**DASNY**

## **Sub-contractor Compliance with Code of Business Ethics**

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The Dormitory Authority of the State of New York ("DASNY"), a public-benefit corporation, expects the highest degree of ethical business conduct by its employees and the many contractors, consultants, and vendors (collectively known as "Working Partners") with whom it interacts on behalf of its clients, bondholders, and the people of the State of New York. DASNY, by mandate of its Board of Directors, administers a comprehensive corporate integrity program to ensure that, as public officers and employees, DASNY employees at all levels perform their official duties consistent with the requirements of the *New York State Public Officers Law*; other applicable laws, rules, and regulations; and policies of DASNY.

DASNY encourages and supports a fair, open and honest business relationship with its Working Partners based on quality, service, and price. Moreover, DASNY believes that a "level playing field" in DASNY's marketplace can only be achieved through adherence to ethical business practices by all participants involved in the process.

To promote a working relationship with DASNY based on ethical business practices, DASNY's Working Partners are expected to:

- furnish all goods, materials, and services to DASNY as contractually required and specified,
- submit complete and accurate reports to DASNY and its representatives as required,
- hire only Working Partners that possess the requisite *responsibility, reliability, and integrity*, among other factors, as described under Executive Order 170.1, signed by Governor Mario Cuomo on March 24, 1993.
- not seek, solicit, demand or accept any information, verbal or written, from DASNY or its representatives that provides an unfair advantage over a competitor,
- not engage in any activity or course of conduct that restricts open and fair competition on DASNY-related projects and transactions,
- not engage in any course of conduct with DASNY employees or its representatives that constitutes a conflict of interest, in fact or in appearance,
- not offer any unlawful gifts or gratuities, or engage in bribery or other criminal activity, and
- report to DASNY any activity by a DASNY employee or Working Partner that is inconsistent with DASNY's *Code of Business Ethics*.

### Ethics Programs

DASNY encourages its Working Partners to advance and support ethical business conduct and practices among their directors, officers, and employees, preferably through the adoption of corporate ethics awareness training programs and written codes of conduct. In addition to considering technical competence and financial stability, DASNY will consider the *corporate integrity* of all Working Partners prior to the awarding of contracts or issuing of purchase orders.

### Conduct of DASNY Employees

DASNY employees are expected to conduct business with its Working Partners in a fair, consistent and professional manner. DASNY's Code of Business Ethics and Code of Ethics guide the manner in which DASNY employees are to interact with its Working Partners. Also, the New York State Public Officers Law and its implementing regulations set forth legal parameters within which DASNY employees must perform their official duties with respect to, among other things, conflicts of interest and the acceptance of gifts.

### Gifts to DASNY Employees

Section 73(5) of the Public Officers Law prohibits DASNY employees from soliciting, accepting, or receiving, any gift having more than a nominal value [nominal value is determined by the State Joint Commission on Public Ethics ("JCOPE") as having a value of fifteen dollars (\$15.00) or less], whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, or in any other form, under circumstances in which it:

- could reasonably be inferred that the gift was intended to influence the employee in the performance of their official duties, or

- could reasonably be expected to influence the employee in the performance of their official duties, or
- was intended as a reward for the employee's official action.

Likewise, individuals are prohibited from, directly or indirectly, offering a gift to a DASNY employee under the above circumstances.

DASNY's Working Partners are considered "Interested Sources" by JCOPE and gifts from such individuals can per se be inferred to be intended to influence or reward official action. Therefore, Working Partners should generally not offer DASNY employees gifts, even gifts of nominal value or less, unless it is not reasonable to infer that the gifts were intended to influence the employee in his or her job or reward him or her for performing his or her job. Also, be aware that multiple gifts from the same source that are less than nominal value could be impermissible if it creates an actual or apparent conflict of interest or gives the impression of improper influence.

Violations of these gift provisions may be grounds for immediate contract termination and/or referral for civil action or criminal prosecution. (Please refer to *Prohibited-Interests* section of construction and consultant contract documents.)

Employing Relatives of DASNY Employees

While contractors, consultants and vendors may employ relatives of DASNY employees, DASNY must be made aware of such circumstances as soon as possible, preferably in writing, to ensure that a conflict of interest situation does not arise. DASNY reserves the right to request that contractors, consultants and vendors modify the work assignment of a DASNY employee's relative where a conflict of interest, or the appearance thereof, is deemed to exist.

Hiring Former DASNY Employees

Contractors, consultants, and vendors may hire former DASNY employees. However, as a general rule, former employees of DASNY may neither appear nor practice before DASNY, nor receive compensation for services rendered on a matter before DASNY, for a period of *two years* following their separation from DASNY service. In addition, former DASNY employees are subject to a "lifetime bar" from appearing before DASNY or receiving compensation for services regarding any transaction in which they personally participated or which was under their active consideration during their tenure with DASNY. Violations will be referred to JCOPE for appropriate action.

Questions

Questions relating to these guidelines should be directed to the responsible DASNY Project Manager and/or Program Director, Director of Procurement, Ethics Officer, and or the Office of Professional Integrity. To contact any of these individuals please call DASNY's general number (518) 257-3000 and the Office of Professional Integrity Hotline number at 1-866-750-7867. When in doubt, please seek guidance.

Compliance Certification

I have read the foregoing and agree to comply with DASNY's Code of Business Ethics. I further acknowledge that failure to comply shall justify contract termination by DASNY and may result in the rejection of bids or proposals for future work with DASNY.

**BY:** \_\_\_\_\_  
 (Signature and Title)

**Firm Name:** \_\_\_\_\_ (Date)

**Prime Contractor:** \_\_\_\_\_

**Project#:** \_\_\_\_\_ **Contract:** \_\_\_\_\_

**Note: Prime contractors are required to have each subcontractor, at all tiers, complete this form prior to the subcontractor beginning work. Completed forms are to be filed by the prime contractor with the on-site DASNY representative. Failure to comply with this requirement may result in the subcontractor's immediate removal from the project site or other appropriate actions.**