
Code of Business Ethics

A Handbook for
Working Partners of
DASNY



WE FINANCE, DESIGN AND BUILD NEW YORK'S FUTURE

515 Broadway, Albany, New York 12207-2964
518.257.3000 (office)
518.257.3100 (fax)
www.dasny.org





Introduction

The Dormitory Authority of the State of New York (DASNY), a public benefit corporation, expects its members, officers and employees and the many contractors, bankers, bond counsels, consultants and vendors with whom DASNY interacts – its Working Partners – to adhere to the highest ethical standards. DASNY, by mandate of its Board, has established a comprehensive corporate integrity program to ensure that DASNY members, officers and employees at all levels perform their official duties consistent with the requirements of the New York State Public Officers Law and other applicable laws, rules, and regulations and the policies of DASNY.

DASNY encourages and supports a fair, open and honest business relationship with its Working Partners based on quality, service, and price. DASNY believes that this objective can be achieved only if working relationships between DASNY and its Working Partners are fair, open, and honest and all participants adhere to ethical business practices.

Questions

Questions relating to these guidelines should be directed to the responsible DASNY Project Manager or Program Director (DASNY Main Number (518) 257-3000), Director of Procurement (518-257-3133), Ethics Officer (518-257-3210), or Office of Professional Integrity at 1-866-750-7867 or via email at Integrity@dasny.org.

When in doubt, please seek guidance.



Violations of the gift provisions of the Public Officers Law may be grounds for contract termination and/or referral for civil action or criminal prosecution.

Employing Relatives of DASNY Employees

Although Working Partners may employ relatives of DASNY employees, DASNY must be made aware of such circumstances as soon as possible, preferably in writing, to ensure a conflict of interest situation does not arise. DASNY reserves the right to request that its Working Partners 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

Our Working Partners may hire former DASNY employees. However, as a general rule, by law 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" which prevents them from working on 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.

To promote a working relationship with DASNY based on ethical business practices, our 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 agents as required;
- ▶ not seek, solicit, demand or accept any information, verbal or written, from DASNY or its agents 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 agents that constitutes a conflict of interest, in fact or in appearance;
- ▶ not offer any gifts or gratuities to DASNY employees (including meals, tickets to special events or other items of value) or engage in other conduct that violates this Code of Business Ethics, law or regulation; and
- ▶ report to DASNY any activity by a DASNY employee or Working Partner that is inconsistent with DASNY's Code of Business Ethics, law or regulation.

Ethics Programs

DASNY encourages its Working Partners to advance and support ethical business conduct and practices among their respective 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 issuance of purchase orders.

Conduct of DASNY Members, Officers and Employees

DASNY employees are expected to conduct business with our Working Partners in a fair, consistent and professional manner. DASNY's Code of Business Ethics and Employee Conduct, titled *Serving Responsibly*, guides the manner in which DASNY employees are to interact with Working Partners. DASNY has also adopted a Code of Ethics to which the members of DASNY must adhere. In addition, the New York State Public Officers Law sets forth standards governing the acceptance of gifts by public officers and employees, and conflicts of interest involving members, officers and employees of DASNY.

Prohibited Gifts to DASNY Employees

Section 73(5) of the Public Officers Law and its implementing regulations (19 NYCRR Part 933) expressly prohibit any person from directly or indirectly offering or giving any gift having more than a nominal value (\$15.00 or less) to a DASNY employee under circumstances in which it:

- ▶ could be reasonably inferred the gift was intended to influence the employee in the performance of his or her official duties; or
- ▶ could reasonably be expected to influence the employee in the performance of his or her official duties; or
- ▶ was intended as a reward for the employee's official action.

Such prohibited gifts include, but are not limited to: cash (including gift certificates), service, loan, travel, lodging, meals, refreshments, entertainment, discounts, forbearance or promise. Gifts from Working Partners can *per se* be inferred to be intended to influence or reward official action and are therefore presumptively impermissible. As a result, Working Partners should refrain from offering or giving anything of value to DASNY employees.