

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, 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 contractors, consultants and vendors 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, contractors, consultants and vendors 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,
- 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 contractor, consultant or vendor of DASNY that is inconsistent with DASNY’s *Code of Business Ethics*.

Ethics Programs

DASNY encourages its contractors, consultants and vendors 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 contractors, consultants and vendors prior to the awarding of contracts or issuing of purchase orders.

Conduct of DASNY Employees

DASNY employees are expected to conduct business with contractors, consultants and vendors in a fair, consistent and professional manner. DASNY’s Code of Business Ethics and Employee Conduct entitled *Serving Responsibly* guides the manner in which DASNY employees are to interact with contractors, consultants and vendors. Also, the *New York State Public Officers Law* sets forth legal parameters within which DASNY employees must perform their official duties with respect to conflicts of interest and the acceptance of gifts.

No Gifts to DASNY Employees

Contractors, consultants and vendors should refrain from offering or giving anything of value to DASNY employees. Section 73(5) of the *Public Officers Law* expressly prohibits any firm or its agents, either doing or seeking to do business with DASNY, from directly or indirectly offering or giving any gift having more than a nominal value 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 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.

Because gifts from the DASNY’s Working Partners can per se be inferred to be intended to influence or reward official action, Working Partners are referred to as “disqualified sources,” and gifts of greater than nominal value by them are prohibited by Section 73(5) of the Public Officers Law. Additionally, DASNY has adopted a “Zero Tolerance” policy with respect to the solicitation, acceptance or receipt of gifts from disqualified sources. Therefore, Working Partners should not offer to DASNY employees gifts of any value. 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

Although 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 a conflict of interest situation does not arise. DASNY reserves the right to request that contractors, consultants and vendors modify the work assignment of an 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 the New York State Ethics Commission for appropriate action.

Questions

Questions relating to these guidelines should be directed to the responsible DASNY Project Manager or Program Director, Director of Procurement, Ethics Officer or Director of Internal Affairs. To contact any of these individuals please call (518) 257-3000.

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 sanctions.