



# Ethics Laws for City Vendors

**GENERAL PRINCIPLE: VENDORS ARE REQUIRED TO COMPLY WITH LOCAL AND STATE ETHICS LAWS. VIOLATIONS CAN LEAD TO PENALTIES, VOIDED CONTRACTS AND DISBARMENT FROM CITY VENDOR STATUS.**

The City of Jacksonville's Office of Ethics, Compliance and Oversight is providing the following guidance to City vendors and contractors to protect from unintentional violations of state and local law. Similar to City officials and employees, vendors and contractors are subject to regulations relating to gifts, misuse of City personnel and resources, and conflicts of interest in the City's Ethics Code. These regulations ensure that decisions by City officials and employees are made in the best interest of the citizens/community/government rather than their personal interests, or that of vendors or contractors.

Please carefully review the following summary as failure to comply with the ethics laws summarized below can result in: (i) penalties and fines; (ii) rescinding of contracts; (iii) withholding of contract payments; (iv) and/or Debarment of vendors.

## [Gifts – Jacksonville Ethics Code Sections 602.703 and 602.701](#)

City vendors and contractors are generally prohibited by City ethics laws from offering or providing to City officials and employees a prohibited gift. This prohibition applies when a prohibited gift is offered, not when it is used.

### **Local Law prohibits the following types of gifts from vendors:**

1. A gift to a City official or employee with a value that exceeds \$100 or an accumulation of gifts in any calendar year that exceeds \$250.
2. A gift that violates a Department gift policy, which could limit a gift to less than \$100 and (sometimes even to zero).
3. A fee paid directly to a City official or employee for a speech, speaking event or written article.



***Note: Vendors and contractors should not include City officials and employees in company sponsored raffles and gift exchanges AND should contact the City's Ethics Office before offering to cover travel or conference related expenses for a City official or employee.***

### **State Gift Laws also apply to vendors and contractors:**

1. City vendors and contractors are required by the Florida Ethics Commission to disclose on Form 30 (see their website) all allowable gifts (valued at \$25-\$100) provided to those required to file financial disclosures with the State of Florida (all elected officials plus City staff with purchasing and oversight authority).

2. Vendors should never gift a City official or employee anything they have asked the vendor or contractor to give, including items, favors and advice.
3. Vendors and contractors should never give anything, regardless of value, with the intention to influence a City official or employee on a pending matter before the City.

#### **Additional Best Practices Regarding Gifts:**

1. Never give a gift to a City official or employee when you have pending business with the person's department/agency.
2. Never include City officials or employees in your company's gift giving traditions. This includes holiday/white elephant/raffle gifts.
3. Consult in advance with the Office of Ethics, Compliance, and Oversight before offering to pay for a City official or employee's expenses related to conferences, travel, articles, speeches, and presentations.
4. Include common benefits for funding, such as event tickets or swag, in your contract with the City. If the City purchases items from you as part of your agreement, they may not be considered a gift.
5. When distributing allowable gifts to City officials, employees or departments, include an itemized summary of the gift listing the value of each item and whether the gift is part of a City contract.
6. Items given to a City Department should include a value, as required to be reported on the City's Gift Registry for transparency purposes. See Section 602.702, Ordinance Code.



***Please note: Do not be surprised or offended if a public official or employee returns a gift. Though a gift may be appreciated and within legal limits, gifts may be declined because of appearance issues.***

#### **Misuse of Position - Section 602.401**

It is a violation of local law for a vendor of the City or independent agency to use their connection to the City to obtain a special privilege or benefit.

#### **Key Reminders Regarding Use of City Position:**

1. Never use your connection to the City to circumvent official processes or gain preferential treatment.
2. Never use City property for your personal benefit except in accordance with City policies.
3. Never engage in political campaigns utilizing City resources or time.

## **Conflicts of Interest – Section 602.406**

If a City official or employee of the City or an independent agency has a financial interest in a bid that a vendor or contractor has submitted to that person's own agency, the vendor or contractor must disclose that financial interest in writing using the City's conflict disclosure form found in the bid packet. Failure to follow the City's conflict of interest disclosure policy can result in the termination of the City contract, the withholding of payments under the contract, and can result in the debarment of the vendor for a period of three (3) years.



***Please note: There are additional disclosure requirements if a vendor is a nonprofit organization employing a City Council Member. See Section 602.413, Ordinance Code.***

## **Hiring City Employees – 602.412 and 602.404**

When hiring employees of the City or independent agencies, vendors should ensure all City/agency policies and procedures are followed. Vendors should never hire a City/independent agency employee:

1. If the hiring will influence a pending matter before the City; or
2. If the employee has a decision-making role in a contract over \$250,000 between the City/independent agency and the vendor unless the employee obtains approval from the Ethics Office or a waiver of the restriction that precludes the employee for working for the vendor for two years. See Section 602.412, Ordinance Code.

**STATE LAW:** There are also state laws that apply to your activities with City employees and officials. See Chapter 112, Part 3, Florida Statutes. For a summary of state ethics laws, go to [www.ethics.state.fl.us](http://www.ethics.state.fl.us) and to their Publication: Guide to the Sunshine Amendment and Code of Ethics.

**We appreciate your efforts to comply with ethics laws. Potential violations and questions about the application of ethics laws to City vendors and contractors can be directed to the City's Office of Ethics, Compliance, and Oversight at (904) 630-1015 (Help Line) or via email to [ethics@coj.net](mailto:ethics@coj.net).**