

**VENDOR RELATIONSHIPS**

**1.0 SCOPE:** This policy sets the expectation that the employees of Barbour County Schools are not unduly biased towards any particular vendor.

**2.0 PURPOSE:** The purpose of this policy is to ensure that all vendors are provided the same opportunity to participate in providing goods and or services without prejudice.

**3.0 IMPLEMENTATION:**

3.1 With five (5) exceptions set forth below, the Board of Education shall not enter into a contract, or purchase any book or other thing to be used in the public schools, or give value to acquire any other goods or services, if any Board member, a School District officer, the Superintendent, or any supervisor, principal, or teacher has: 1) voice, influence, or control over the decision to contract, purchase, or acquire, and 2) a direct or indirect pecuniary interest in the proceeds of the transaction.

Provided, however, that even though a Board member, a school district officer, the Superintendent, or any supervisor, principal, or teacher has 1) voice, influence, or control over the decision to contract, purchase, or acquire, and 2) a direct or indirect pecuniary interest in the proceeds of the transaction, the Board may:

- 3.1.1 make publications in newspapers as required by law;
- 3.1.2 do business with a public utility which is subject to regulation by the Public Service Commission of West Virginia;
- 3.1.3 employ the spouse of a Board member, a school district officer, the Superintendent, or any supervisor, principal, or teacher as a principal, classroom teachers, or service employ;
- 3.1.4 designate a bank within the county as a depository of the School District's funds, but only if the person having 1) voice, influence, or control over the decision to contract, purchase, or acquire, and 2) a direct or indirect pecuniary interest in the proceeds of the transaction does not participation the deliberations or any ultimate determination of the depository of the funds; and
- 3.1.5 contract with a vendor supplier who employs either the person having 1) voice, influence, or control over the decision to contract, purchase, or acquire, and 2) a direct or indirect pecuniary interest in the

proceeds of the transaction a Board member, or his/her spouse or child, but only if the employee:

- 3.1.5.1 is salaried;
- 3.1.5.2 is not a party to the contract;
- 3.1.5.3 is not an owner, shareholder, director, or officer of a private party under the contract;
- 3.1.5.4 receives no commission, bonus, or other direct remuneration or thing of value by virtue of the contract;
- 3.1.5.5 does not participate in the deliberations or awarding of the contract; and
- 3.1.5.6 does not approve, vote for, or authorize payment for services or supplies furnished under the contract.

3.2 Even when the Board is permitted under the foregoing rule to enter into a contract despite the fact that a Board member or employee has an interest in the profits or benefits of the transaction, the Board member or employee is prohibited from making, participating in making, or in any way attempting to use his/her office or employment to influence a school district decision to enter into the contract. In the case of a Board member, it is necessary that the member excuse him/herself from participating in the discussion and decision-making process by physically leaving the room during the period, fully disclosing his/her interests, and recusing him/herself from voting on the issue.

3.3 Board members and school personnel shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, Board members and school personnel shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, Board members or school personnel who recommend purchases, shall not enter into a contractual or other arrangement with a vendor seeking to do business with the School District, or a vendor with whom the School District or any of its related entities is doing business, whereby an individual board member or member of the school staff receives compensation in any form for services rendered.

3.4 Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, meals, and other such things of value. In the event that a Board member or member of the school staff receives such compensation, albeit unsolicited, from a vendor, the Board member or school staff member shall notify the Treasurer, in writing, that s/he received such compensation

and shall thereafter promptly transmit said compensation to the Treasurer at his/her earliest opportunity.

- 3.5 All sales persons, regardless of product, shall clear with the Superintendent's office before contacting any teachers, students, or other personnel of the School District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board and of the State Board of Education.
- 3.6 The Superintendent and every full-time School District employee are prohibited from personally participating in a decision, approval, disapproval, recommendation, rendering advice, investigation, inspection or other substantial exercise of administrative discretion involving a vendor with whom s/he is seeking employment or has an agreement concerning future employment.
- 3.7 A full-time School District official or employee who exercises authority or control over a public contract between a vendor and the School District, or whose subordinate exercises such authority or control, is prohibited from seeking employment by the vendor or to purchase, sell, or lease real or personal property to or from the vendor. Nor shall s/he have an agreement with the vendor concerning future employment. By way of illustration, an official, employee, or subordinate is considered to exercise authority or control over a public contract by any of the following acts: drafting bid specifications or requests for proposals; recommending selection of the vendor; conducting inspections or investigations; approving the method or manner of payment to the vendor; providing legal or technical guidance on the formation, implementation, or execution of the contract; or taking other nonministerial action that may affect the financial interests of the vendor.
- 3.8 A person adversely affected by the foregoing restriction on purchasing personal property may make such a purchase only if the West Virginia Ethics Commission expressly approves, or if acting in good faith reliance upon a West Virginia Ethics Commission guideline, advisory opinion, or official policy.

**AUTHORITY:** W. Va. Code 61-10-15

**Source:** Board of Education Minutes

**Adopted:** 1965

**Revised:** 06/14/10; 09/18/79

