



*The State of Maine Division of Procurement Services strives to maintain these
Standards of Ethical Practice derived from the
National Association of State Procurement Officials (NASPO).*

ACT ONLY IN PUBLIC INTEREST

A public procurement officer must represent the public's interest exclusively. On the other hand, it is the responsibility of the supplier representative to maintain his or her employer's profit. This is not to say it is bad to have a profit motive; they drive markets toward developing better products and, certainly, corporations can be very good public citizens. A public procurement officer should always be aware of the driving motives of the supplier.

BE INDEPENDENT

Any public procurement officer should be independent from suppliers, bidders, and prospective bidders; and in a perfect world, politicians and political appointees, including their own bosses. Procurement professionals, being human, can become emotionally connected to a supplier they work with and like; someone who helps them, who flatters them and who gives them gifts—even if these items are of nominal value. While procurement personnel should be friendly and helpful, they must resist the temptation to accept benefits from or socialize with any supplier in order to reduce the temptation to reciprocate.

DO NOT PLAY FAVORITES

Truly professional procurement personnel do not help friends, family members, or business associates to gain unfair advantage in the procurement process. Each supplier must stand on level ground.

DO NOT SOCIALIZE WITH VENDORS

Prosecutors often prove antitrust and procurement offenses through testimony that establishes that government officials socialized with government suppliers. If a public procurement officer has social friends who may seek or have sought business with the officer's employer, he or she should remove themselves completely from every aspect of a procurement process involving those suppliers.

FOLLOW THE LAW

Most public entities are subject to procurement laws and rules/regulations that require competition. New public procurement officers should be required to undergo procurement integrity training, and all public procurement officers should have some passing knowledge of the ethics laws that apply in their own particular state or local government.

EXERCISE IMPARTIALITY AND INDEPENDENT JUDGMENT

It is critical for procurement professionals to be impartial while also having the ability to independently reason and judge situations and make decisions based on those reasonings. They must not only follow all rules or laws, but procurement offices have lasting effects on the economic development of their community and the country as a whole.

MAINTAIN CONFIDENTIALITY

The business of the government in procurement commodities, construction, and services is the taxpayer's business, not the personal business of public procurement officers, their business associates, their families, or their friends. Ethical procurement practice demands that procurement officers reveal only as much information as necessary to ensure a clean and fair competition. This ensures insider information is not available to other competitors. If the information is public, the best policy is to ensure that everyone who wishes to complete obtains that information. If the information is not public, it must remain confidential.

MAINTAIN INTEGRITY

Maintaining the integrity of public procurement is one of the most important pillars of government and ensuring that public procurement professionals adhere to ethic standards is perhaps the most essential aspect of this goal. In a profession that lives under a microscope, it is vital that procurement officials hold themselves to the highest possible standards of integrity. Integrity requires the procurement professional to take ownership for their actions and always protect the public interest with all decisions, maintaining honesty and avoiding even the appearance of something unethical.

KNOW THE IMPORTANCE OF PERCEPTION

Procurement professionals need to be aware of the perception of their actions to others. While there may be nothing illegal or unethical happening, how could your actions be viewed by someone or be interpreted without all the facts? It is important to always be on guard about the perception we may be making to others. Perception in the mind of the beholder is reality to them. Don't engage in any activities such as going to lunch, dinner, or social events with suppliers or contractors regardless of the circumstances, even if you are paying your own way. This could and would be interpreted as unethical behavior. Meetings with suppliers and contractors are always best handled within the office.

REMAIN A TRUSTEE OF PUBLIC'S MONEY

A public employee is a fiduciary for the public's money, or a trustee. An effective government procurement program emphasizes that the money being spent was hard-earned by the taxpayers. A practical rule is for public employees to spend the public's money with the same care they would demand that a bank exercise in handling their own funds.

STRIVE FOR MARKET EFFICIENCY

Public procurement officers should seek to encourage competition. Competition creates market efficiencies. Public procurement officers must do their own market homework, independent of any one supplier. They should study historic outcomes that reflected poor procurement choices so they may avoid them in the future. Evaluating how efficiently suppliers function can serve as a guide for the next set of specifications or scopes of work. It is sometimes argued that it is efficient to permit existing or prospective suppliers to write specifications or statements of work. A market competitor should be allowed to write specifications only when it cannot complete for, or subcontract under, the procurement for which they are drafting solicitation language.

TAKE NOTHING, EVER

A truly independent public procurement officer should not accept even cookies from the supplier dropping by. Why not? It could be said, "Surely no one is bought for a couple of cookies!" But if public procurement officers make it their policy to take nothing from any supplier—not even cookies—no person can ever point to the appearance of a relationship between them. The public procurement officer who refuses to take the cookies also avoids creating witnesses who can testify against the government entity in the event of a bid protest, for example. Even where government ethical rules permit a public employee to accept lunch or anything valued under a set dollar amount, the public procurement officer should consider the potential implication and avoid accepting anything.