

OCRRA
Business Partners
Ethics

A Handbook for
Business Partners
of the Onondaga County
Resource Recovery Agency



**Onondaga County Resource
Recovery Agency**

OCRRA's

CORE VALUES

Integrity & Honesty



Environmental Stewardship



Fiscal Responsibility



Excellence in Services

*Customer Service
Public Participation
Community Relations*

MISSION STATEMENT

OCRRA provides to the community a solid waste solution that is environmentally sound, highly efficient, safe and innovative by utilizing the optimal mix of waste reduction, recycling, and disposal.



INTRODUCTION

The Onondaga County Resource Recovery Agency (“OCRRA”), a State created New York public benefit corporation, expects its Board members, employees and the many contractors, bankers, consultants, and vendors with whom OCRRA interacts – its Business Partners – to adhere to the highest ethical standards. OCRRA, by mandate of its Board, has established a comprehensive corporate integrity program to ensure that OCRRA Board members and employees, at all levels, perform their official duties consistent with the requirements of the OCRRA Code of Ethics, New York State Public Officers Law, New York State Finance Law and other applicable laws, rules, and regulations.

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

To promote a working relationship with OCRRA, based on ethical business practices, our Business Partners are expected to:

- furnish all goods, materials, and services to OCRRA as contractually required and specified,
- submit complete and accurate reports to OCRRA and its agents as required,
- not seek, solicit, demand, or accept any information, verbal or written, from any OCRRA Board member, employee, or agent that provides an unfair advantage over a competitor,
- not engage in any activity or course of conduct that restricts open and fair competition on OCRRA-related projects and transactions,
- not engage in any course of conduct with OCRRA Board members, employees, or agents that constitutes a conflict of interest, in fact or in appearance,
- not offer any gifts or gratuities to OCRRA Board members or employees (including meals, tickets to special events, or other items of value) or engage in other conduct that violates OCRRA's Code of Ethics (available on the internet at www.ocrra.org), law or regulation,

- provide services in accordance with all applicable laws and regulations, including environmental and prevailing wage standards,
- report to OCRRA any activity by an OCRRA Board member, employee, or other Business Partner that is inconsistent with OCRRA's Code of Ethics, law, or regulation. Any such matters may be reported to the OCRRA Business Officer, the OCRRA Ethics Officer, or to the Chair of OCRRA's Audit Committee, as appropriate.
- provide the Agency with a completed Conflict of Interest Affidavit and Non-Collusion Certificate reflecting honest and accurate information.

STATE FINANCE LAW PROCUREMENT COMPLIANCE PROVISIONS

OCRRA conducts its procurements to provide all vendors with an opportunity to compete fairly to maximize competition. New York State has enacted provisions in its State Finance Law, applicable to any contract over \$15,000.00, which further promotes fair competition. This law now requires that all communications, i.e. "contacts," with the Agency regarding a procurement, such as a Request to Bid, Request for Proposals, or Request for Quotes, must be through a designated OCRRA Procurement Contact Person.

All contacts by potential vendors should be through the Designated Procurement Contact Person and **NO ONE ELSE!** All such contacts will be recorded by the Designated Procurement Contact Person and any responding information given to a potential vendor will also be shared with all other potential vendors, so no one has a competitive advantage. Vendors will need to fill in a Permissible Contacts Affirmation form, and submit it with their bid/proposal/quote, along with a form that advises OCRRA of any Non-Responsibility Determinations under this law. If you fail to comply with the above Procurement contacts restrictions or you submit knowingly false, inaccurate or incomplete information, or you violate our OCRRA Ethics Code, you may be found to be a “Non-Responsible” vendor. This can result in a rejection of your firm for contract award, a cancellation of the contract, if later discovered (the Contract will include a cancellation provision for such a contingency), and in the event of two such findings in a four year period, debarment from obtaining any further OCRRA procurement contract for a period of four years from the time of the second violation.

ETHICS PROGRAMS

OCRRA encourages its Business 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, OCRRA will, when evaluating whether a bidder, proposer or quoter is “responsible,” consider the corporate integrity of all Business Partners prior to the awarding of contracts or issuance of purchase orders.

CONDUCT OF OCRRA BOARD MEMBERS AND EMPLOYEES

OCRRA Board members and employees are expected to conduct business with our Business Partners in a fair, consistent, and professional manner. OCRRA’s comprehensive Code of Ethics guides the manner in which OCRRA Board members and employees are to interact with our Business Partners. As noted above, it is available for review on OCRRA’s website at www.ocrra.org. All Business Partners should become familiar with it. OCRRA has also adopted a “Whistleblower” Policy that encourages the reporting of violations or suspected violations of our Ethics Code. Suspected whistleblower violations may be reported directly to the Agency’s Confidential Internal Controls Compliance Officer.

LIMITS ON GIFTS TO OCRRA BOARD MEMBERS AND EMPLOYEES

OCRRA strongly discourages Business Partners from offering or giving anything of value to Agency employees or Board members under circumstances which may constitute, or even suggest, impropriety.

A Business Partner shall not, under any circumstances, give cash, including gift certificates, or any other gift or gratuity, in any amount, to an OCRRA employee or Board member where it:

- could be reasonably inferred the gift was intended to influence the employee or Board member in the performance of their official duties, or
- could reasonably be expected to influence the employee or Board member in the performance of their official duties, or
- was intended as a reward for the employee's or Board member's official action.

Although OCRRA has a \$25.00 total monthly limit on gifts to employees and Board members in its Code of Ethics (\$75.00 per annum limit), the offering or giving of a gift of **any** value to an OCRRA employee or Board member may still be considered inappropriate because the nature of pending matters may give rise to the appearance of impropriety (e.g., gifts given during the contract procurement process). Violations of these gift provisions may be grounds for immediate contract termination and/or referral for civil action or criminal prosecution. In addition, Section 2045-q of the New York State Public Authorities Law, as well as the New York State Public Officers Law, set forth standards governing the acceptance of gifts by public officers and conflicts of interest involving Board members and employees of the Agency.

EMPLOYING RELATIVES OF OCRRA BOARD MEMBERS OR EMPLOYEES

Although Business Partners may employ relatives of OCRRA Board members or employees, the Agency must be made aware of such circumstances as soon as possible, preferably in writing, to ensure a conflict of interest situation does not arise. Such employment should not be initiated while a contract is pending or as a reward for awarding a contract. OCRRA reserves the right to request that its Business Partners modify the work assignment of an Agency Board member's or employee's relative where a conflict of interest, or the appearance thereof, is deemed to exist.

HIRING FORMER OCRRA EMPLOYEES OR BOARD MEMBERS

Our Business Partners may hire former OCRRA Board members and employees. However, as a general rule, former Board members and employees of the Agency may neither appear nor practice before the Agency, nor receive compensation for services rendered on behalf of others on a matter before the Agency, for a period of two years following their separation from Agency Board service or employment. In addition, former OCRRA Board members and employees are generally prevented 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 OCRRA.

QUESTIONS

Questions relating to these guidelines should be directed to the OCRRA Ethics Officer (315-453-2866) or the Chair of OCRRA's Audit Committee (See below).

When in doubt, please seek guidance.

Thank you for your expected attention to and compliance with our Agency Code of Ethics and applicable law.

Mark A. Donnelly
Executive Director
Onondaga County Resource
Recovery Agency
100 Elwood Davis Rd.
N. Syracuse, NY 13212-4312
Tel. 315-453-2866

For OCRRA's Code of Ethics and/or Whistleblower Policy, see our website at www.ocrra.org.

Contact OCRRA's Confidential Internal Controls Compliance Officer, mcirino@ocrra.org if you wish to report an immediate concern.

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