

**Oakland County Department of Management and Budget
Purchasing Division Policies and Procedures
Adopted May 24, 1990 and Revised May 1, 2004**

2200: *Conflict of Interest*

2200.1: Conflict of Interest – Board of Commissioners

**Authority: Oakland County Board of Commissioners Miscellaneous Resolution #9294
adopted February 14, 1980**

This policy establishes that: “No member of the Board of Commissioners, individually or through a business in which he or she is an owner, partner or has a financial interest other than as an employee, will be allowed to bid or perform as a contractor or sub-contractor on any County construction project.”

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2200.2: Professional Service Contracts with Former County Employees

**Authority: Oakland County Board of Commissioners Miscellaneous Resolution #93300
adopted December 9, 1993**

PURPOSE

To avoid the potential for conflict of interest, or any appearance thereof, the Oakland County Board of Commissioners requires that all requests for entering into professional service contracts with former County employees be approved by the Board of Commissioners.

APPLICATION

Applies to all County employees involved in the procurement of goods and services.

PROCEDURE

2200.2.1 Any professional services contracts to be awarded to former County employees shall first be forwarded to the Oakland County Board of Commissioners for review and approval in accordance with procedures set forth by the Board of Commissioners.

2200.2.2 Under emergency circumstances, the Chairperson of the Board of Commissioners, with the prior concurrence of the Chairperson of the Personnel Committee, is authorized to give preliminary approval to such contractual arrangements and report such preliminary approval to the Personnel and Finance Committees for final approval or denial at their next respective meetings.

2200.2.3 All Purchasing Division policies and procedures, or portions thereof, related to the administration of professional services contracts, and not conflicting with this resolution, shall remain in effect.

2200.2.4 All contracts shall contain language that states that the contract is contingent upon final approval by the Personnel and Finance Committees.

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2200.3: Vendor/County Employee Relationships

Authority: Oakland County Board of Commissioners Miscellaneous Resolution #92027
adopted March 5, 1992

PURPOSE

To avoid any real or perceived conflict of interest, all proposals or contracts for professional services should, to the extent possible, identify any relative (as defined in Rule 18, Section II (A) of the Merit System) of the contractor or his/her employees who are presently employed by the County of Oakland.

APPLICATION

Applies to all County employees involved in the procurement process.

PROCEDURE

- 2200.3.1** In an effort to avoid any real or perceived conflict of interest, all proposal and contractual language for professional services shall include a clause requiring prospective and/or current vendors to notify the County of Oakland of any such relationship between the vendor and the County of Oakland.
- 2200.3.2** Upon notification, the manager or chief of the Purchasing Division shall notify the manager of the Oakland County Auditing Division for further review and action, as deemed appropriate.
- 2200.3.3** Notification of the relationship between the vendor and any County employee shall be placed in the Purchasing Division contract file for future reference, as deemed necessary.

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2200.4: Contracts with County Employees

Authority: PA 317 of 1968 (MCL 15.322, et. seq.)

PURPOSE

To establish a formal policy which prohibits any current County employee or officer from doing business with the County of Oakland.

APPLICATION

Applies to all County employees or officers in accordance with the provisions set forth in PA 317 of 1968, as amended. MCL 15.322 states that no contracts shall be entered into between the County, including all agencies and departments thereof, and any employee or officer of the County who is paid for working an average of more than 25 hours per week for the County. No County employee or officer shall directly or indirectly solicit any contract between the County and:

- himself;
- any firm (meaning a co-partnership or other unincorporated association) of which he or she is a partner, member or employee;
- any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class where such stock is not listed on a stock exchange or stock with a present total market value in excess of \$25,000.00 where such stocks listed on a stock exchange or of which he or she is director, officer or employee; or
- any trust of which he or she is a beneficiary or trustee.

A County employee or officer shall not do either of the following:

- take any part in the negotiations for such a contract or the re-negotiation or amendment of the contract, or in the approval of the contract.
- represent either party in the transaction.

nor renegotiations thereof or amendment thereof or in the approval thereof, nor shall he or she represent either party in the transaction.

The County shall further define this to include any employee or officer of the County who is paid for working less than 25 hours per week.

PROCEDURE

2200.4.1 In the event that a County employee enters into a contractual agreement, in violation of the provisions as set forth in PA 317 of 1968, the person or persons having obtained knowledge that a contractual relationship exists between the County of Oakland and a County employee shall make immediate notification to the manager of the Purchasing Division.

2200.4.2 The manager of the Purchasing Division shall make immediate notification to his or her director of the Department of Management and Budget as well as the director of the Oakland County Human Resources Department for action as deemed appropriate in accordance with PA 317 of 1968.