

HOUSTON REGIONAL HIV/AIDS RESOURCE GROUP, INC.
POLICY AND PROCEDURE
ADMINISTRATIVE POLICIES

CONFLICT OF INTEREST (ADM-1715)

EFFECTIVE DATE: October 1, 2017

DEFINITIONS:

Administrative Agency - Administrative agencies are community-based organizations, governmental entities, and other organizations located within Texas and specifically deemed eligible in the State's request for proposals (RFP). Administrative agencies disburse funds from DSHS through a subcontractor system to provide comprehensive services to HIV positive individuals and those affected within the service planning area.

Subrecipient is an agency that has entered into a contract with The Resource Group to provide services.

PURPOSE:

The purpose of this policy is to define conflict of interest between Administrative Agency (AA) employees and board members and their clients, contractors, and vendors.

POLICY:

TRG complies with the standards for conflict of interest established by the *Texas Department of State Health Services Policy 241.005*. Additionally, TRG expects that all Subrecipients comply with *TRG Policy ADM-1715*. This requirement is to ensure that clients receive the best quality of service.

The following is a list of some AA processes that may lead to conflicts of interest. The list is not exhaustive and conflicts of interest may arise in other AA activities.

1. Assessing community resources for HIV/STD services.
2. Conducting a needs assessment and interpreting information from this process.
3. Prioritizing and allocating resources to service categories.
4. Evaluating the planning process.
5. Subcontracting for HIV care services.

PROCEDURE:

1. An AA/Subrecipient Employee May Not:
 - A. Have an interest in, or in any manner be connected with a contract or bid for the purchase of goods or services by the AA.
 - B. Be dually employed by a contractor of the AA.
 - C. Accept or solicit anything of value whether by gift, rebate, service or favor from a person to whom an AA contract may be awarded, directly or indirectly.
 - D. Contract for future reward or compensation from an actual or potential vendor in exchange for a promise or other obligation on an AA contract.

- E. Be employed by, or agree to work for, a vendor or potential vendor.
 - F. Knowingly disclose confidential information acquired in the course of one's official duties for personal gain.
2. If a Violation Occurs:
- A. When an actual or potential violation of an ethical standard is discovered, the person(s) involved shall promptly file a written statement regarding the matter and request written instructions for the disposition of the matter from their immediate supervisor.
 - B. If an actual violation occurs or is not disclosed the employee involved may be reprimanded, suspended, or dismissed from employment. Any Subrecipient, contractor, vendor or potential contractor vendor determined to have acted unethically may be barred from receiving future contracts and/or have any existing contracts canceled.
3. Minimizing Conflict of Interest
- A. To minimize the negative impact of conflict of interest, the planning and subcontracting processes will be open, public, and based on clear policies. Planning and subcontractor selection policies and procedures will include the following.
 - 1. A definition of conflict of interest.
 - 2. A method of disclosure of conflict of interest.
 - 3. A duration that a conflict of interest disclosure is effective.
 - 4. A method or methods of resolution when a conflict of interest action arises that violates planning policies and procedures.
4. Declaring Conflict of Interest
- A. Any employee or board member of an AA/Subrecipient who perceives a conflict of interest for himself/herself must take the following actions:
 - 1. declare the conflict of interest prior to participating in business discussions or decisions regarding the affiliated person or entity;
 - 2. refrain from voting or exerting influence on an issue in which the conflict of interest exists, and
 - 3. refrain from influencing another person's decision in regard to the affiliated person or entity where the conflict of interest exists.
 - B. Upon request of other persons present, the person who declares a conflict of interest may provide technical advice and answer questions related to the issue in which a conflict exists.
 - C. When an employee or board member realizes a potential conflict of interest situation for another person, he/she will make known the concerns to the Board of Directors or the Executive Director. The potential conflict of interest is to be recorded in the meeting minutes, if applicable, and the meeting continued. Following the meeting, if the conflict of interest was not resolved to the satisfaction of any member, any member may then initiate a review of the decisions made by the Board during the meeting by filing a request with the appropriate committee (see bylaws).
5. Conflict of Interest Disclosure Statement
- A. All employees and board members of an AA/Subrecipient are required to complete and sign a Conflict of Interest Disclosure Form & Attachment A (if applicable) which contains the DSHS required content. DSHS requires all Board Members and AA employees sign a Conflict of Interest Statement each year. One copy of the signed statement shall be given to the employee, and one copy shall be filed in the employee's personnel file.

- B. As of September 1, 2016, forms must be completed annually before the employee or board member participates in discussion, debate, or vote regarding any business before the AA. Signed disclosure statements will be kept on file in the AA office. Conflict of interest disclosure statements include any professional and/or personal affiliations with agencies or persons that provide goods or services to the AA or its clients.

HOUSTON REGIONAL HIV/ AIDS RESOURCE GROUP, INC.
 AGENCY PERSONNEL FORMS
 CONFLICT OF INTEREST DISCLOSURE FORM



I understand that I must fully disclose any and all professional or personal affiliations with organizations that receive or may request funds from the Administrative Agency (AA) for goods or services to the AA or its clients.

I further understand I must not use my official position to influence decisions that result or appear to result in direct or indirect financial, personal, organizational, or professional gain for myself or any party with whom I have family, business, or other ties.

I certify that I have read and understand the above statement and I understand that I may not have interest in, or in any manner be connected with, any contract or bid for furnishing supplies, materials, services, and equipment of any kind to the AA. Neither shall I, under penalty of dismissal, accept or receive from any person, firm, or corporation to whom any contract may be awarded, directly or indirectly, by rebate, gift, or otherwise, any money or other thing of value whatever, nor shall I receive any promise, obligation, or contract for future reward or compensation from any such party.

To the best of my knowledge:

- I do not have any personal, professional, family or business affiliations with organizations or persons who either are funded through the AA or who may apply for funding.
- I do have personal, professional, family or business affiliations with organizations or persons who either are funded through the AA or who may apply for funding, and will not take part in any decision or exert influence upon another person in regard to those persons or entities disclosed on Attachment A.

This information is provided in good faith to avoid any real or perceived conflict of interest in the discharge of my duties as a member of the staff or Board of Directors.

<i>Board/Employee Signature</i>	<i>Date</i>
<i>Printed Board/Employee Name</i>	<i>Title</i>

**CONFLICT OF INTEREST DISCLOSURE FORM
ATTACHMENT A**

(USE ADDITIONAL COPIES AS NECESSARY)

Name:	
Organization:	
Position in organization:	
Services provided:	

Name:	
Organization:	
Position in organization:	
Services provided:	

Name:	
Organization:	
Position in organization:	
Services provided:	

Name:	
Organization:	
Position in organization:	
Services provided:	

Name:	
Organization:	
Position in organization:	
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