



2000 Texas Avenue
El Paso, TX 79901
(915) 562-4100
www.projectbravo.org

**El Paso Community Action Program – Project BRAVO, Inc.
Code of Conduct Policy**

The following is the Code of Conduct Policy that all members of the board of directors, staff, contractors, vendors, volunteers, and people doing business with Project BRAVO must abide by. Email CodeOfConduct@projectbravo.org if you suspect a relevant person has violated the Project BRAVO Code of Conduct Policy.



Project BRAVO, Inc., (hereafter referred to as “Project BRAVO” or the “Agency”) its board, management, employees, volunteers and vendors must, at all times, comply with all ethical principles and policies of the organization and all laws and regulations governing the activities of the organization. Project BRAVO, its board, management, employees, volunteers and vendors, recognize the need to maintain the trust and confidence in the workings of our agency, and thus adopt this Code of Conduct.

However, a Code of Conduct does not, in and of itself, enhance trust, nor can it bring ethical behavior by our board, management, employees, volunteers and vendors. These goals are attained only through the manner in which Project BRAVO’s management, staff and board apply the principles herein to the actual execution of the agency’s business. All Project BRAVO employees are encouraged to continuously examine the policies, processes, and practices of our agency and to seek and implement improvements.

I. Application of Code

This Code applies to the following:

- a. All Project BRAVO staff
- b. All persons whose goods and services are purchased under the terms of a contractual agreement with Project BRAVO, Inc.
- c. Members of Project BRAVO’s board and committees who serve without compensation. This includes public official appointees.
- d. All vendors and contractors who do business with Project BRAVO through procurement and/or who seek to do business with Project BRAVO resulting in fees or costs exceeding \$25,000.
- e. All individuals, who in doing business with Project BRAVO, can be reasonably expected to adhere to the spirit of this Code.

II. Definitions

For the purposes of this Code:

- a. *Department Head* means the head or manager of a department.
- b. *Board Member* means an individual serving on the agency’s Board of Directors.
- c. *Employee* means a person who is hired by Project BRAVO on a full-time, part-time, temporary or regular basis, or paid pursuant to a state or federal grant, or is working on a volunteer basis for the agency.

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- d. *Procurement* means the process by which goods and services are purchased with the use of public funds for agency use.
- e. *Goods and services* means anything paid for with Project BRAVO funds including a service, equipment, good, or other tangible or intangible personal property, insurance and technology item.
- f. *Business entity* means a sole proprietorship, non-profit organization, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.
- g. *Family member* means a person related within the third degree by consanguinity or affinity, as determined under *Chapter 573, Texas Government Code (Appendix A)*.
- h. *Private Communication* means communication with any vendor outside a regular meeting of the board, a standing or appointed committee, or a negotiation with a vendor which has been specifically authorized by the governing body.
- i. *RFP* means Request for Proposal. *RFQ* means Request for Qualification or Request for Quotation.

III. Conflict of Interest in Procurement

- a. Influencing and Advising Regarding Procurement Decisions
 - 1. All employees must place loyalty to the law and ethical principles above private gain. To that end, all employees who have any opportunity to influence any decision regarding the purchase of goods or services for the agency shall be fair in procurement, bidding and/or contracting for any goods or services on behalf of the agency.
 - 2. In advising upon, discussing, recommending, and/or granting any agency purchases, bids or contracts, employees have a duty to inform the agency about their financial interests, and make a reasonable effort to inform the agency about the financial interests of their family members.
 - 3. Employees shall excuse themselves from exercising influence, participating in, and discussing, recommending, and/or granting of any agency purchases, bids, or contracts if they or a family member have a financial interest which may cause their impartiality to be compromised or cause there to be an appearance of impropriety.
- b. Disclosure and Reporting
 - 1. Any employee to whom Subsection A, above, applies shall file an affidavit, on a form to be promulgated by the agency, stating the nature and extent of the business interest before the matter is discussed or any decision regarding it is made.

IV. Private Communication with Vendors

- a. No employee or board member of the agency shall permit any vendor, its representative or employee, to communicate with him/her privately regarding any procurement of goods or services by the agency from the date that the bid, RFP or RFQ is released.
- b. All questions concerning a bid, RFP or RFQ must be submitted in writing and/or email format and addressed only to the individual designated to respond. No questions will be addressed by staff or anyone involved in Project BRAVO in any other manner.

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- c. Any form of contact by a bidder or potential bidder regarding a bid, RFP or RFQ, at any time during the solicitation process from initial advertisement through award, with any of the Board members of Project BRAVO or any person employed by Project BRAVO, other than through the communication channel stipulated above, or as subsequently instructed by Project BRAVO through the solicitation process, will constitute ground for rejection of their Proposal.

V. Conflict of Interest in Employment Practices

- a. Executive Director and department heads shall ensure that agency jobs are open to all applicants regardless of race, gender, religion, national origin, age, disability or any other classification protected by law.
- b. Executive Director and department heads shall not advocate the employment, appointment, promotion, transfer or advancement to a paid agency position of a family member as defined above in Appendix A. Neither shall they supervise or manage a family member as defined above in Appendix A.

VI. Outside Employment

Agency Employees

- a. An employee, excluding volunteers for the agency, who seeks to engage in employment outside of his/her duties with Project BRAVO must ensure the following:
 - 1. Approval of their supervisor prior to engaging in the outside employment;
 - 2. Approval shall be given by the supervisor, provided that such employment is not conducted during the hours the employee is scheduled to work for the agency
 - 3. Furnish to the supervisor a detailed description of the outside employment;
 - 4. Outside employment does not conflict with the employee's duties with the agency;
 - 5. Outside employment does not adversely affect the public image of the agency; and
 - 6. Outside employment does not adversely affect the employee's availability and usefulness as an employee of the agency.
- b. A determination of the existence of a conflict of interest by a supervisor may be appealed, by the employee, to the Code of Conduct Committee.

Department Heads

- a. A department head may not hold any employment relationship or contractual relationship which would impair the impartial or independent judgment of the department head.

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VII. Post-Employment Restrictions

Department Heads

- a. A department head may not, for two years after employment by the agency, act as a compensated representative of another agency in connection with any specific matter in which he/she participated as an agency employee. “Specific matter” refers to business in which the department head was either personally involved or that was within the department head’s responsibility while a department head.

VIII. Gifts

- a. No agency employee or member of his/her immediate family shall solicit or accept from an actual or prospective client, customer, vendor or supplier gifts or other favors valued at over \$50. Under no circumstances should a gift be accepted which would influence the employee’s judgment. In particular, employees must avoid any interest in or benefit from any client, customer, vendor or supplier that could reasonably cause them to favor the same over others. It is a violation of this Code for any employee to solicit or encourage a client, customer, vendor or supplier to give an item or service to the employee regardless of its value, no matter how small. Our clients, customers, vendors, suppliers and the public will retain their confidence in the objectivity and integrity of our organization only if each employee strictly observes this guideline.
- b. For purposes of this Code, a “gift” refers to anything of value, including but not limited to:
 1. Loans
 2. Travel
 3. Entertainment
 4. Meals and beverages
 5. Gifts of tickets or free admission to a professional or intercollegiate sporting event or artistic or cultural event
 6. Tangible item valued at over \$50
- c. A prohibited “gift” does not include:
 1. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient, unless the donor has a financial interest in a business relationship or real estate purchase or sale with the agency and the recipient is in a position to influence any decisions related to the interests of the donor.
 2. Awards, such as plaques, certifications, trophies or similar mementos, publicly presented in recognition of service.
 3. Gifts do not include items for which fair market value is paid or which the agency reimburses, or items which are received but are donated to a charitable organization within 30 days. If the gift is a perishable item, such as flowers, fruit, or candy, it may be placed on a public counter and shared with employees and the public.

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4. Invitations or tickets to fund raising dinners or public charitable benefit events.
5. Food or drink consumed by an employee with decision-making authority during the conduct of official public business or attendance at public ceremonies as an employee.

IX. Statement of Financial Interest

Report

- a. Those who make decisions involving property, resources, and funds exercise substantial influence and discretion in the performance of their duties. In the interest of full disclosure of their financial interest, department heads and the purchasing agent shall file with the agency, within 30 days of the effective date of this Code of Conduct or as soon as they are aware of such a financial interest, whichever occurs first, a signed and notarized financial disclosure statement (*Appendix B.*) making known:
 1. The name, address, and industry of any entity for whom that person is employed or self-employed
 2. The name, address, and industry of boards of directors of corporations on which the person serves, whether organized for profit or not, and whether such service is for compensation or not
 3. The name, address, and industry of any business in which the person has partnership or joint venture interest
 4. The name, address, and industry of any business in which the person has a financial interest
- b. There is no requirement to disclose the extent of financial involvement in any business interest.

Time for Filing

- a. Each person subject to this provision shall file with the agency a signed and notarized, updated financial disclosure statement by April 30th of each year while employed
- b. Should an individual become aware that a financial interest exists prior to or after April 30th they must file with the agency a signed and notarized updated financial disclosure statement immediately upon knowledge.
- c. Each candidate for a department head position, subject to this provision, shall be provided with a notice of the financial disclosure requirements at the time of application for such employment.

Delinquent Reports

- a. Within 60 days after the effective date of this Code, and thereafter no later than July 1 of each year, the agency shall prepare a delinquent report naming each person subject to this filing requirement who has not filed the required statement. Such report shall be submitted as an agenda item to the Board of Directors at its next regular meeting.
- b. An additional notice of the financial disclosure requirements shall be sent to each person who has not filed the required statement.

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X. Coercion of Employees

No Coercion

- a. No department head or employee shall directly or indirectly, use or threaten to use, any official authority or any influence in any manner whatsoever, which tends:
 - 1. To discourage, restrain, deter, prevent, interfere with, or discriminate against any person who chooses to participate in political activities, an election campaign, or fundraising effort.
 - 2. To coerce any person to participate in political activities.
 - 3. To discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of the agency, any facts or information relative to an actual or suspected violation of this Code or other state, federal, or local laws.

XI. No Representation

- a. Employees and all others who are subject to this Code are prohibited from participating in non-work related activities while wearing or displaying Project BRAVO's name or logo or acting in a manner that may be perceived as representation by the agency. Similarly, use of agency vehicles, literature, email and other resources is prohibited.

XII. Use of Project BRAVO, Inc.'s Services, Property or Facilities for Personal Purposes

- a. No Board Member, Officer, Employee or Agent shall make use of Project BRAVO, Inc.'s services, property or facilities for any purpose that is not related to Project BRAVO, Inc.'s purposes.

XIII. Reporting Violations of the Code of Conduct

Duty to Report

- a. Employees and all others who are subject to this Code have a duty to immediately report violations of this Code as outlined below. Further, employees have a duty to cooperate in investigations, inquiries, and hearings conducted by the agency.

False Reports

- a. This section shall not be construed as prohibiting disciplinary action, up to and including termination, if an employee of the agency discloses information which he or she knows to be false or which he or she discloses with reckless disregard for its truth or falsity. The agency shall issue an opinion when it determines that any information has been disclosed that was known to be false or was disclosed with reckless disregard for its truth or falsity.

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XIV. Enforcement: Project BRAVO, Inc.

Complaints and Investigations

a. Complaints

1. Any person may file a complaint alleging a violation of this Code. The complaint shall be in writing and signed by the complainant. The written complaint shall state the nature of the alleged violation, the date, time and place of each occurrence, and the name of the person(s) charged with the violation. Within ten working days of the receipt of a complaint, the agency shall acknowledge receipt of the complaint to the complainant and shall forward a copy of the complaint, and a general statement of the applicable procedures for responding, to the person who is the subject of the complaint.

Initial Inquiry

- a. The Code of Conduct Committee shall make a determination whether the complaint is within its jurisdiction and, if so, whether it alleges a minimum factual basis to constitute a violation of this Code. If the Committee concludes that the complaint is outside its authority, frivolous or without factual basis, the Committee shall immediately terminate the inquiry, issue an Order Dismissing the Complaint, reduce the conclusion to writing, and transmit a decision to the complainant and to the respondent.
- b. If the Committee concludes that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimum factual basis to constitute a violation, the Committee shall notify the respondent who is the subject of the complaint and call a meeting with the respondent within thirty days, to discuss the alleged violation in detail.
- c. At the Initial Inquiry meeting, the Committee may ask for witnesses and accept evidence. The Committee shall afford any person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have a right to offer evidence in response to the allegations.

Written Opinions, Decisions, and Penalties

- a. At the conclusion of the proceedings, the Committee shall issue a written decision and findings.
- b. A written decision and findings shall be due to the complainant within sixty days.

XV. Additionally, the Agency:

- a. May make a written disciplinary recommendation regarding violations of this Code by an employee, up to and including termination, in accordance with the procedures under which an employee may otherwise be disciplined;
- b. May refer its decision and findings to the appropriate law enforcement authority if the violation requires it.



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XVI. Effective Date

The provisions of the Project BRAVO, Inc. Code of Conduct shall be effective September 25, 2012.

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APPENDIX A

FAMILY RELATIONSHIPS INCLUDED WITHIN THE THIRD DEGREE

- Person's spouse
- Mother & spouse
- Father & spouse
- Daughter & spouse
- Son & spouse
- Mother-in-law
- Father-in-law
- Stepdaughter
- Stepson
- Granddaughter & spouse
- Grandson & spouse
- Grandmother & spouse
- Grandfather & spouse
- Sister & spouse
- Brother & spouse
- Sister-in-law
- Brother-in-law
- Grandmother-in-law
- Grandfather-in-law
- Step-granddaughter
- Step-grandson
- Half-sister & spouse
- Half-brother & spouse
- Stepsister & spouse
- Stepbrother & spouse
- Great-grandmother & spouse
- Great-grandfather & spouse
- Great-granddaughter & spouse
- Great-grandson & spouse
- Niece & spouse
- Nephew & spouse
- Aunt & spouse
- Uncle & spouse
- Half-aunt & spouse Half-uncle & spouse
- Great-grandmother-in-law
- Great-grandfather-in-law
- Aunt-in-law
- Uncle-in-law
- Niece-in-law
- Nephew-in-law
- Step-great-granddaughter
- Step-great-grandson
- Step-niece & spouse
- Step-nephew & spouse



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APPENDIX B – Statement of Financial Interest

NAME	<i>Title, Last, First</i>
ADDRESS	<i>P.O. Box, Apt., Street / City, State, Zip Code</i>
CONTACT NUMBER	<i>Area Code, Phone Number, Extension</i>
POSITION	<input type="checkbox"/> Board Member (Indicate Position, if any) _____ <input type="checkbox"/> Department Head (Indicate Department) _____ <input type="checkbox"/> Employee (Indicate Department & Position) _____ <input type="checkbox"/> Other _____
TYPE OF FILING	<input type="checkbox"/> Initial Application <input type="checkbox"/> Annual Required Report (Due by April 30 each year) <input type="checkbox"/> Other _____
EMPLOYMENT	<input type="checkbox"/> Employed by Another <input type="checkbox"/> Self-Employed <i>List All: Name, Address, and Industry of Business of any entity with whom you are employed</i>
PARTNERSHIP(S) / JOINT VENTURES OF INTEREST	<i>List All: Name, address and the nature of the business in which you have a partnership or joint venture of interest.</i>



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APPENDIX B – Statement of Financial Interest

SUBSTANTIAL FINANCIAL INTERESTS	<i>List All: Name, address and nature of any business in which you have a substantial financial interest *(See below for definition)</i>
DIRECTOR AND BOARD POSITIONS	<i>List All: Name, address, and the nature of the business of any corporations in which you serve as director or board member, whether organized for profit or not and whether such service is for compensation.</i>

DEFINITION **Substantial Financial Interest** for the purpose of this form *means*:
 A person has a substantial financial interest in a business entity if:
 the person or spouse owns ten percent (10%) or more of the voting stock or shares of the business entity; owns either ten percent (10%) or more of \$15,000 or more of the fair market value of the business entity; or funds received by the person or spouse from the business entity exceed ten percent (10%) of the person’s gross income for the previous year. A person or spouse has a substantial financial interest in real property other than his or her personal residence if the interest is an equitable or legal ownership with fair market value of \$2,500 or more.

By inserting my name on the signature line below and transmitting this electronically or in person, I certify, under penalty of law, that I am the person herein named and described in the above State of Financial Interest. I also understand that this electronic form is subject to any and all laws, policies and guidelines that regulate the standard printed version of the Statement of Financial Interest under the Code of Conduct.

Signature

Date

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20____, to certify which; witness my hand and seal of office.



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APPENDIX C – Affidavit of Substantial Financial Interest in Procurement Matter

STATE OF TEXAS
COUNTY OF EL PASO

I, _____ as a person subject to the El Paso County Code of Conduct in procurement decisions, make this affidavit and hereby, on oath, state the following: I, and/or a person or persons related to me, have an interest in _____ that would be affected by this procurement decision. Upon submission of this affidavit to Project BRAVO's Human Resources Department, I affirm that I have and will abstain and refrain from influencing, advising, or voting on any decision involving the procurement of _____. The nature and extent of substantial interest that requires my abstention is as follows:

Affiant's Signature

Date