

Application to Consultants, Vendors and Contractors:

FAQS

1. The Code now extends to persons who provide services to the City of Seattle, what is the effective date?

*On October 20th the provisions of the Ethics Code will apply to some contractors, vendors and consultants. They will be defined as “**Covered Individuals**,” and subject to most of the City’s Ethics Code.*

2. Which contractors, vendors and consultants will be covered?

*The Code applies to anyone who has a contract with the City and provides more than 1,000 hours of service in any twelve month period. If you provide services and meet the 1,000 hour threshold, you are a “**Covered Individual**.” Examples of who may be covered include: a security expert who provides IT consulting services to a City department, a consultant assisting a department with the development of an RFP, and an employee of a maintenance firm who provides services to a department.*

3. What about a situation where a “**Covered Individual**” ends one City contract and goes to work for another City department under a new contract or has multiple contracts at the same time?

*The 1,000 hour threshold is cumulative across all departments. It includes all hours worked under all service contracts the “**Covered Individual**” has had in the 12 month period.*

4. Is it a calendar year or is the 12 month time period a rolling 12 months?

The 12 month period is a rolling period.

5. If the City contract is with a business, a consulting firm or an L.L.P., how is the Code applied?

*The Code applies to individuals, not organizations. It is the number of hours that an individual works that are counted toward the 1000 hour threshold. For example; if a company has two employees who work 600 hours under a City consulting contract, neither individual will be considered a “**Covered Individual**” under the Ethics code. Individuals – not entities, such as corporations, LLCs, non-profits, etc. – are covered by the Code.*

6. Will contracts entered into before October 20, 2009 be effected by the amended Code?

Yes, contracts entered into before the effective date will be subject to the amended Ethics Code. Beginning on October 20, 2009, hours will begin to be counted toward the 1,000 hour threshold.

7. So what will being subject to the Code mean for me?

*The Code requires you to be a good steward of the public's trust and resources. As a "**Covered Individual**" you are required to use City property, equipment, funds and personnel for City purposes and not for the private benefit of yourself or another person. You must also avoid conflicts of interest both personal and financial.*

8. How are my personal relationships and my financial interests affected by the Code?

The Code recognizes that some relationships, personal and/or financial, may impair or appear to impair the manner in which a person makes decisions, exercises their discretion or does business on behalf of the City.

*As a "**Covered Individual**" you must DISQUALIFY yourself from participating in a City matter when you, an immediate family member, a business with which you're affiliated, or someone with whom you've got an arrangement for future employment has a financial interest. So, for example, if you've been retained to help a City department develop an RFP and a likely bidder promises you a job at the completion of the project, or your sister tells you that her company will be bidding on the work, you've got to end your involvement with the project.*

*As a "**Covered Individual**" you must DISCLOSE a relationship that doesn't fall under the definition of "immediate family," or some activity you've engaged in that would appear to another reasonable person to be a conflict. You will need to simply DISCLOSE the relationship to the person at the City who is managing your contract. They can decide against taking any action, or they could decide to alter your role in the process to eliminate any appearance of undue favoritism.*

For instance, each summer you and your domestic partner spend a week with another family at the beach. You share a house and watch your kids play together on the beach. One of your friends is an IT security expert and is bidding on a consulting contract and you've been retained by the City to evaluate the bids. You will need to disclose this relationship. Your friend is not "immediate family" as the Code defines the term, but given the relationship, a reasonable person might question whether you could be independent and impartial in the performance of your City contract given your relationship with one of the bidders.

9. What if I need to bring in a sub-contractor to help me complete my City contract, how does the Code effect the hiring?

As a City contractor you are free to hire who you think is the best person to help you complete your City contract. Your hiring decisions do not become subject to the Ethics Code just because you are a City contractor. Of course, if the sub-contractor you hire provides more than 1,000 hours of work on a City matter, then the sub-contractor will be covered by the Code as a “Covered Individual.”

10. What does it mean to participate in a City matter?

A “matter” is defined as an “application, submission, request for a ruling or other determination, permit, contract, claim, proceeding, case, decision, rulemaking, legislation, or other similar action.” The definition includes the “preparation, consideration, discussion, or enactment of administrative rules or legislation.” It’s almost certain that the work you’re performing under contract for the City is in connection with a matter.

“Participating” in a matter involves a lot more than just making final decisions. You “participate” in a matter when you “consider, investigate, advise, recommend, approve, disapprove, decide, or take other similar action.” Since you’re a City contractor, the Code is primarily concerned with the investigations, advice and recommendations you make under contract with the City.

For instance, when you enter into a contract with DEA to audit the payment of B&O taxes by businesses in Seattle, you are “participating” in a “City matter” when you conduct an audit. In this instance you would not be able to audit you sister-in-law’s business, as she falls under the definition of “immediate family.”

11. Are vendors/contractors covered by the Code’s post-employment rules?

If a vendor or contractor is a “Covered Individual” they are only covered by the post employment restriction in two instances. They are barred from competitively bidding on a City contract where they have assisted the City in determining the project, the scope of work or the process for selecting the contractor/vendor/consultant. And they are barred from divulging confidential information that they learned while providing services to the City.

12. What are “Things of Value” under the Ethics Code?

The new law replaces the word “gift” with “things of value” to eliminate any doubt that discounts, meals, or other things of value that don’t come in neatly wrapped packages are also barred under the Ethics Code. If you’re a Covered Individual who is assisting the City in its evaluation of a major new development, you cannot take anything of value from the project’s proponents. If someone with an interest in your advice takes you to dinner, or invites you and a guest to sit with them in their Key Arena skybox, your acceptance of those items would violate the Ethics Code.

Need advice on your specific situation? Contact the Ethics and Elections Commission staff

Call 206.684.8500, or

Visit <http://www.seattle.gov/ethics/contact.htm>