3.2.12.1 Conflict of Interest

Policy Statement
With some exceptions (see the Procedures section below) it is unlawful for any employee of the University of Georgia to transact business with the University or any other institution of the University System of Georgia or the Board of Regents. Employees are forbidden by law from acting for themselves, on behalf of any third party, or on behalf of any business in which the employee or a spouse or dependent of the employee has a substantial interest. It is also unlawful for a business in which an employee or spouse or dependent of the employee has a substantial interest to transact business with the University. Substantial interest is defined as direct or indirect ownership of more than 25% of the stock or assets of the business. The term “transact any business” includes the sale or lease of any personal property, real property or services, or the purchase of any surplus real or personal property. An employee or business which violates the conflict of interest statute is subject to being removed from employment, fined an amount not to exceed $10,000.00, and required to reimburse the state for funds received because of the violation.

Reason for policy
To ensure the University complies with the Georgia Conflict of Interest Law codified at O.C.G.A. §§ 45-10-20 to 45-10-70 and to provide information about its pertinence to the procurement process.

Procedures
University departments and employees should ensure that no business transactions are conducted in violation of this law. Georgia law does provide for exceptions as set forth in O.C.G.A. §§ 45-10-22 through 45-10-25. Those exceptions which are most relevant to the procurement process are as follows:

- Any transaction made pursuant to sealed, competitive bids;
- Any transaction when the amount of a single transaction does not exceed $250.00 and the aggregate of all such transactions does not exceed $9,000.00 per calendar year;
- Any transaction involving an emergency purchase which must be made to protect the health, safety, or welfare of the citizens or property of the state of Georgia;
- Any transaction involving property or service for which the sole source of supply in the State of Georgia is the official or employee or a business in which such official or employee or spouse or dependent of such an official or employee has a substantial interest;
- A transaction between a unit of the University System and a family owned business in which an employee of the University System or the employee’s spouse or dependent has an ownership interest if all of the following apply: 1. The employee is not actively engaged in the day-to-day management of the business. 2. The employee is employed by a department of the unit of the University System in a position below that of department head. 3. The transaction is with (a) a unit of the University System different from the unit employing the employee or (b) a department of the employee’s unit of the University System different from the department employing the employee.

Additional contacts
Annette Evans
Phone Number: 706-542-2361

Policy definitions
O.C.G.A. – The Official Code of Georgia Annotated

Responsibilities
Responsible University Senior Administrator: Vice President for Finance & Administration
Policy Owner: Procurement
Policy Contact: Annette Evans
Phone Number: 706-542-2361

Responsibilities: Except for transactions when the amount of a single transaction does not exceed $250.00 and the aggregate of all such transactions does not exceed $9,000.00 per calendar year, public officials and employees and businesses in which such officials or employees or their spouses or dependents have a substantial interest must disclose annually transactions with the State of Georgia or any other of the State, including the University System of Georgia.

Related information
Date Reviewed: 02/01/2018

Policy Dates
Effective Date: 01/01/2016
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Date of Approval:
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