Conflicts of Interest

Business Rule

1. The While there are various situations that give rise to a Conflict of Interest, generally the Conflict-of-Interest threshold begins at $5,000 total per calendar year (Ethics Council)*. The management and disclosures of Conflicts of Interest are the responsibility of the VCCS employee.

Within the Commonwealth of Virginia, Procurement law stipulates in the Conflicts of Interest Act (VPPA § 2.2-3106):

Definitions:

Immediate Family: Spouse and anyone who both lives in your home and is a dependent on you

Personal Interest: A financial benefit or liability accruing to an employee or a member of the employee’s immediate family

"No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment."

No VCCS Employee shall provide goods or services as vendor to any other VCCS agency, including their own agency of employ above the Conflict-of-Interest threshold. The responsibility for monitoring this threshold and disclosing the vendor employment or ownership is that of the employee.

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“No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the public body unless the employee or former employee provides written notification to the public body, or a public official if designated by the public body, or both, prior to commencement of employment by that bidder, offeror or contractor.”

*Any given VCCS sub-agency may maintain a lower threshold and as such that threshold shall be in effect for that sub-agency

2. Consideration for former employees to provide goods or services as a vendor / “contractor” shall be in accordance with the Affordable Care Act definitions as guided by DHRM as these transactions are viewed by the IRS as such. Therefore, former employees (resigned or retired) shall have 26 weeks of separation before acting in the capacity of a Contractor for any VCCS agency, including their former agency. Within the Federal Affordable Care Act, the law stipulates the treatment of new and on-going employees (Outlined in DHRM ACA Guidelines)

**Definitions:**

New Employees: Persons who are reasonably expected to work “full-time” (30 hours or more per week on average). Those who have been employed at your agency previously and re-hired at your agency may be considered new or on-going depending upon the length of their separations.

On-Going Employees: An employee who has been employed for at least one complete “standard measurement period” and has not had the required separation as defined in ACA regulations. Employees, including retirees, for all
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3. Per the Code of Virginia § 2.2-3112, § 2.2-4369 and § 2.2-4373, no employee, including the procurement lead, shall participate in a procurement transaction when they have a personal interest in that transaction. This includes, but is not limited to the following instances:

- Selection of a vendor through any non-competitive procurement method, where the employee has a personal interest in the selected vendor
- Serving on an evaluation committee, or a procurement lead, where the employee has a personal interest in a vendor that is likely to participate in the procurement
- Disclosing information to a potential vendor through competitive bidding, competition negotiation process or a non-competitive method where the employee has a personal interest in the vendor

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