

**Attachment 12**  
**Proposer's Code of Conduct**

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**PROPOSER CODE OF CONDUCT  
FOR THE SBWMA CONTRACTOR SELECTION PROCESS  
FOR COLLECTION AND OPERATING SERVICES**

The South Bayside Waste Management Authority ("SBWMA") is a joint powers authority among the cities of Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Redwood City, San Carlos, and San Mateo; towns of Atherton and Hillsborough; the West Bay Sanitary Service District; and the County of San Mateo ("Member Agencies"). The SBWMA is planning to request and receive proposals for the collection, processing, of solid waste, recyclable materials, and organic materials within the jurisdiction of the SBWMA and for the operation of the SBWMA's transfer station and recyclery located in San Carlos, California ("Contractor Selection Process").

The Board Members of the SBWMA are obligated to comply with the Political Reform Act of 1974 ("PRA") and the Brown Act (Government Code §56950 et seq.).

The SBWMA has a desire to maintain a process free from any undue influence and the appearance of impropriety. The SBWMA prepared this "Proposer Code of Conduct".

A potential proposer is defined as any individual or entity involved in making a proposal to the SBWMA under the Contractor Selection Process ("Potential Proposer").

Each Potential Proposer is individually responsible for ensuring compliance with the following Code of Conduct. The Potential Proposer's responsibility to comply with this Code of Conduct shall extend to the Potential Proposer's employees, agents, consultants, lobbyists, or other parties or individuals engaged for the purposes of developing or supporting the Potential Proposer's proposal.

The Proposer Code of Conduct is presented below:

**1. Ex Parte Contacts Prohibited**

From April 1, 2007, and prior to the SBWMA Board and Member Agencies selection of contractors, or June 30, 2009, whichever comes later, Potential Proposers are prohibited from having any verbal or written communications (ex parte contacts) with any SBWMA Board Member concerning any matter related to the RFP process or Contractor Selection Process, except in the course of a legally noticed meeting of the SBWMA Board, or any subcommittee of the Board, or in conjunction with an ex parte contact arranged by and involving SBWMA staff and/or consultants.

**2. Gift and Compensation Prohibited**

From April 1, 2007, and prior to SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, Potential Proposers are prohibited from giving any gift of any monetary value, or compensation of any kind (as defined under the California Political Reform Act) to an SBWMA Board Member or any SBWMA staff member or consultant.

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Please be aware that any Board Member who accepts such a gift or compensation may be subject to censure by the SBWMA Board. Any SBWMA staff member who violates this policy may be subject to discipline including termination of services and any consultant who violates this policy may be subject to termination of services. Any Potential Proposer who violates this policy as to gifts or compensation may be subject to disqualification by the SBWMA Board from the Contractor Selection Process.

### **3. Collusive Activities Prohibited**

From April 1, 2007, and prior to SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, collusive activities among Potential Proposers are expressly forbidden and will likely result in immediate disqualification from the Contractor Selection Process. If two or more Potential Proposers are developing a joint proposal, the Potential Proposers must notify the Executive Director (see contact information provided below) in writing no later than thirty (30) days prior to the deadline for submission of proposals. This notification will be kept confidential until after submission of all technical and cost proposals.

### **4. Other Proposals/Offers Prohibited**

From April 1, 2007, and prior to SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, potential Proposers shall be prohibited from proposing or offering to provide any services within the SBWMA service area related to non-hazardous solid waste, recyclable materials, or organic materials management to any individual Member Agency (or subgroup of Member Agencies), its elected officials, or appointed officers or representatives. If such behavior is evidenced to the SBWMA Board, the offending Potential Proposer may be disqualified from the SBWMA Contractor Selection Process.

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