

**Attachment 4**  
**Proposer Code of Conduct**

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**PROPOSER CODE OF CONDUCT  
FOR THE SAN BENITO COUNTY INTEGRATED WASTE MANAGEMENT  
REGIONAL AGENCY RFP PROCESS FOR FRANCHISED COLLECTION SERVICES**

The San Benito County Integrated Waste Management Regional Agency (“REGIONAL AGENCY”) is a joint powers authority comprised of the City of Hollister, City of San Juan Bautista, and County of San Benito. The REGIONAL AGENCY and its members (“RA Members”) is planning to request and receive proposals for the collection and processing of solid waste, recyclable materials, and organic materials within the service area of the REGIONAL AGENCY.

The REGIONAL AGENCY has a desire to maintain a process free from any undue influence and the appearance of impropriety. The REGIONAL AGENCY prepared this “Proposer Code of Conduct”.

A potential proposer is defined as any individual or entity involved in making a proposal to the REGIONAL AGENCY under the RFP 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 August 29, 2017, and prior to the RA Members selection of contractors, or April 1, 2018, whichever comes later, Potential Proposers are prohibited from having any verbal or written communications (ex parte contacts) with any RA Member elected officials concerning any matter related to the RFP process, except in the course of a legally noticed meeting of an RA Member governing body, or any subcommittee of the RA Member governing body, or in conjunction with an ex parte contact arranged by and involving REGIONAL AGENCY or RA Member staff and/or consultants. Any Potential Proposer who violates this policy as to ex parte contacts may be subject to disqualification from the RFP process

**2. Gift and Compensation Prohibited**

From August 29, 2017, and prior to the RA Members selection of contractors, or April 1, 2018, 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 any RA Member elected officials or any REGIONAL AGENCY or RA Member staff member or consultant.

Any Potential Proposer who violates this policy as to gifts or compensation may be subject to disqualification from the RFP process.

**3. Collusive Activities Prohibited**

From August 29, 2017, and prior to the RA Members selection of contractors, or April 1, 2018, whichever comes later, collusive activities among Potential Proposers are expressly forbidden and will likely result in immediate disqualification from the RFP Process. If two or more Potential Proposers are developing a joint proposal, the Potential Proposers must notify the County Counsel’s office (Attn: Barbara Thompson) 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.

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4. **Other Proposals/Offers Prohibited**

From August 29, 2017, and prior to the RA Members selection of contractors, or April 1, 2018, whichever comes later, Potential Proposers shall be prohibited from proposing or offering to provide any services within the REGIONAL AGENCY service area related to non-hazardous solid waste, recyclable materials, or organic materials management to any individual RA Member (or subgroup of RA Members), its elected officials, or appointed officers or representatives. If such behavior is evidenced to the RA Member governing bodies, the offending Potential Proposer may be disqualified from the REGIONAL AGENCY RFP Process.

Executed under penalty of perjury on this \_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_\_.

SIGNED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_\_.

Notary Public

My Commission expires:

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