



DELAWARE PUBLIC INTEGRITY COMMISSION

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TO: Cabinet Secretaries
Division of Purchasing

FROM: State Public Integrity Commission

DATE: March 19, 1997

**SUBJECT: Ethics Bulletin 005 - Amendment to Procurement Law Regarding
Acceptance of Gifts**

In Ethics Bulletin 004, the Commission sought to alert you to a change in the procurement law which provided that: "Agency employees and representatives shall neither seek nor accept for themselves or others any gifts, favors, entertainment or privileges from any vendor or supplier who does or seeks to do business with any Agency." 29 Del. C. § 6903(b).

The Commission noted that the procurement law established a different standard than the State Code of Conduct which restricts acceptance of gifts if such acceptance would result in any of the following: (1) impairment of independence of judgment in exercise of official duties; (2) an undertaking to give preferential treatment to any person; (3) the making of a governmental decision outside official channels; or (4) any adverse effect on the confidence of the public in the integrity of the government of the State.

On February 10, 1997, the Governor signed Senate Bill No. 15, as amended by Senate Amendment No. 1, which deletes the procurement law provision referred to above. The Code of Conduct provision remains in effect.

Individuals having questions regarding whether accepting a gift is permissible under the Code of Conduct, whether they are from vendors or suppliers, or any other person(s), may seek an advisory opinion from the Commission through a written request.

cc: Governor Thomas R. Carper
Lawrence Lewis, Esq.