

PUBLIC NOTICE PERTAINING TO ALL REQUESTS FOR PROPOSALS AND BIDS

REGARDING KENOSHA COUNTY POLICY ON ETHICS IN GOVERNMENT

In addition to ethical standards set forth in Wisconsin Statutes Section 19.59 for all County employees and officials [either elected or appointed] Kenosha County has adopted an Ethics Policy that is applicable to County employees in conducting county business. That policy may be reviewed at http://www.co.kenosha.wi.us/corpc/documents/05_CH_ET.pdf

The Ethics Policy is intended to ensure that public trust in Kenosha County government is maintained and that decisions affecting the county and its citizens are made fairly and impartially for the benefit of all citizens and not for personal gain. This policy precludes the misuse or misappropriation of County property or funds for personal use or otherwise, use or disclosure of confidential information for personal gain or otherwise, elimination of conflicts of interests, receipt of gifts or favors or other considerations of value by County employees, the use of the employee's public position to influence or gain unlawful benefits or to influence or gain advantages or privileges for the employee, and the conducting of personal business or campaigning during working hours.

This policy, furthermore, requires employees to disclose and report to the proper authorities any violation of this policy by either other employees or by any non-employee or citizen seeking to or aiding or abetting in efforts to circumvent this policy. Any employee failing to make such disclosure or report is subject to discipline. Contracts with Kenosha County also require that any party contracting with Kenosha County also report any violation to either the District Attorney or Corporation Counsel for Kenosha County.

In addition, Wisconsin Statutes Sections, 946.12 involving misconduct in public office and 946.13 involving a private interest in a public contract are considered Class 1 felonies and activity considered in violation of these statutes will be reported to the Kenosha County Sheriff for investigation and the Kenosha County District Attorney for prosecution.

IN SUBMITTING A BID OR PROPOSAL IN RESPONSE TO A REQUEST FOR BIDS OR PROPOSALS, A PARTY MUST ACKNOWLEDGE BOTH IN THIS RESPONSE AS WELL AS IN ANY SUBSEQUENT CONTRACT THAT:

1. THE PARTY HAS READ THIS NOTICE IN ITS ENTIRETY, UNDERSTANDS ITS CONTENT AND AGREES TO BE BOUND BY THE PROVISIONS HEREIN, AND
2. THE PARTY KNOWS OF NO CONFLICTS OF INTEREST OR APPEARANCE OF A CONFLICT OR APPEARANCE OF AN IMPROPRIETY ON THE PART OF ANY CURRENT OR FORMER COUNTY OFFICIAL OR EMPLOYEE WHO MAY HAVE HAD A ROLE ON DECIDING WHICH PROPOSAL OR BID WILL BE ACCEPTED, AND
3. IT IS ACKNOWLEDGED THAT IT IS A CRIME UNDER SEC. 946.13 WIS. STATS., IF ANY PUBLIC OFFICIAL OR EMPLOYEE SHALL, IN HIS OR HER PRIVATE CAPACITY, NEGOTIATE OR BID FOR OR ENTER INTO A CONTRACT IN WHICH HE OR SHE HAS A PRIVATE PECUNIARY INTEREST, DIRECT OR INDIRECT, IF AT THE SAME TIME HE OR SHE IS AUTHORIZED OR REQUIRED BY LAW TO PARTICIPATE IN HIS OR HER CAPACITY AS SUCH OFFICER OR EMPLOYEE IN THE MAKING OF THAT CONTRACT OR TO PERFORM IN REGARD TO THAT CONTRACT SOME OFFICIAL FUNCTION REQUIRING THE EXERCISE OF DISCRETION ON HIS OR HER PART, NOR SHALL ANY OFFICIAL OR EMPLOYEE, IN HIS OFFICIAL CAPACITY, PARTICIPATE IN THE MAKING OF A CONTRACT IN WHICH HE OR SHE HAS A PRIVATE PECUNIARY INTEREST, DIRECT OR INDIRECT, OR PERFORMS IN REGARD TO THAT CONTRACT SOME FUNCTION REQUIRING THE EXERCISE OF DISCRETION ON HIS OR HER PART.

IN THE EVENT WIS. STAT, SECS. 946.12 AND 946.13 ARE VIOLATED, IT IS UNDERSTOOD THAT THIS CONTRACT MAY BE VOIDED AT THE DISCRETION OF KENOSHA COUNTY.

4. QUESTION PERTAINING TO CONFLICTS OR APPEARANCE OF AN IMPROPRIETY MAY BE ADDRESSED TO THE OFFICE OF THE KENOSHA COUNTY CORPORATION COUNSEL.
5. VIOLATIONS ARE REQUIRED TO BE REPORTED, AND
6. NO ATTEMPT HAS BEEN MADE BY ANYONE ON BEHALF OF THE PARTY SUBMITTING THE PROPOSAL OR BID TO DIRECTLY OR INDIRECTLY ILLEGALLY INFLUENCE THE AWARDED OF A CONTRACT BY PROMISE OF OR DELIVERY OF ANY CONSIDERATION OR ANY THING OF VALUE TO A CURRENT OR FORMER COUNTY OFFICIAL OR EMPLOYEE OR FAMILY OR HOUSEHOLD MEMBER OF A CURRENT OR FORMER COUNTY OFFICIAL OR EMPLOYEE, OR IN ANY OTHER MANNER CONTRARY TO LAW, AND
7. KENOSHA COUNTY PROHIBITS COMMUNICATION RELATIVE TO THIS REQUEST FOR PROPOSAL OR BID BY A PROPOSER OR BIDDER WITH ANY COUNTY ELECTED OFFICIAL OR EMPLOYEE PRIOR TO THE TIME AN AWARD HAS BEEN MADE, EXCEPT AS PROVIDED FOR IN THIS REQUEST FOR PROPOSAL OR BID INVITATION. VIOLATION OF THIS SECTION IS GROUNDS FOR DISQUALIFICATION OF THE PARTY'S PROPOSAL.
8. OTHER THAN THE COUNTY REPRESENTATIVE NOTED HEREIN, NO OTHER EMPLOYEE OR REPRESENTATIVE OF KENOSHA COUNTY IS AUTHORIZED TO INTERPRET ANY PORTION OF THE REQUEST FOR PROPOSAL OR BID OR GIVE

INFORMATION AS TO THE REQUIREMENTS OF THIS REQUEST OR AMENDMENT THERETO. BIDDERS ARE INSTRUCTED NOT TO CONTACT ANY OTHER COUNTY DEPARTMENT OR EMPLOYEE REGARDING THIS PROPOSAL.

9. WRITTEN QUESTIONS WILL BE ANSWERED IN WRITING TO THE PROPOSER REQUESTING A RESPONSE. PROPOSER'S QUESTIONS AND THE COUNTY'S RESPONSES WILL BECOME A PUBLIC RECORD, AND
10. THE PARTIES ACKNOWLEDGE THAT KENOSHA COUNTY IS A MUNICIPAL CORPORATION LEGALLY BOUND TO COMPLY WITH THE WISCONSIN OPEN MEETINGS AND PUBLIC RECORDS LAW AND THAT AS SUCH, UNLESS OTHERWISE ALLOWED FOR BY LAW, ALL ASPECTS OF THIS AGREEMENT ARE SUBJECT TO OPEN DISCUSSION AND DISCLOSURE AND ARE A MATTER OF PUBLIC RECORD. IT IS FURTHERMORE AGREED TO THAT NO PARTY WILL TAKE ANY ACTION TO OBSTRUCT THE OPERATION OF THESE LAWS. IF RECORDS ARE CREATED OR MAINTAINED OR IN THE CUSTODY OF THE PROVIDER, AS AN INDEPENDENT CONTRACTOR, THEY, ALONG WITH THE RAW DATA USED TO CREATE THE RECORD, ARE, NEVERTHELESS, PUBLIC RECORDS. WITHIN LEGAL CONSTRAINTS RELATED TO CONFIDENTIALITY AND PRIVACY PROTECTION, SUCH RECORDS MUST BE MADE IMMEDIATELY AVAILABLE TO THE PUBLIC UPON REQUEST AND IN THE FORMAT IN WHICH THEY WERE CREATED. PROVIDER AGREES TO HOLD THE COUNTY HARMLESS AND TO INDEMNIFY THE COUNTY FOR ALL COSTS, FEES, INCLUDING ALL ATTORNEY FEES AND JUDGMENTS AND DAMAGES OF WHATEVER KIND FOR WHICH THE COUNTY MAY BE HELD LIABLE DUE TO THE PROVIDER'S FAILURE TO COMPLY WITH THE WISCONSIN PUBLIC RECORDS AND OPEN MEETINGS LAWS, OR THIS AGREEMENT.
11. THAT ANY SUBSEQUENT FINDING OF A VIOLATION OF THE COUNTY'S ETHICS POLICY BY ANY PARTY OR ANY AGENT OF ANY PARTY ACTING EITHER ALONE OR ACTING IN CONCERT WITH A CURRENT OR FORMER KENOSHA COUNTY OFFICIAL OR EMPLOYEE MAY RESULT, AT THE SOLE OPTION OF KENOSHA COUNTY, IN ANY SUBSEQUENT AGREEMENT BEING DECLARED NULL AND VOID AND / OR MAY RESULT IN THE PARTY VIOLATING THIS POLICY BEING DEBARRED FROM SUBMITTING PROPOSALS, BIDS OR CONTRACTING WITH KENOSHA COUNTY FOR A SPECIFIED PERIOD OF TIME IN THE FUTURE.

DATED THIS ____ DAY OF _____, 2____.

BY: _____

[PARTY SUBMITTING BID OR PROPOSAL]