Chicago Department of Aviation

CODE OF CONDUCT

Mayor Lori E. Lightfoot
City of Chicago

Jamie L. Rhee, Commissioner
Chicago Department of Aviation
The Chicago Department of Aviation (CDA) serves a vital role in the global economy as one of the busiest airport systems in the world. It is comprised of O'Hare and Midway International Airports which serve more than 100 million passengers each year and more than 260 locations via 50 different commercial carriers to 46 countries. The airports are self-sustaining and collectively generate an estimated $60 million in annual economic activity for the region.

As a global leader for air cargo activity, the O'Hare 21 vision requires a bolder, bigger and more connected O'Hare in order to keep Chicago competitive in today's fast growing commercial aviation industry. Our $8.5 billion terminal expansion program will transform O'Hare with new facilities and gates to increase its connectivity, efficiency and capacity. However, in order for CDA to successfully achieve these significant goals, CDA employees, contractors and their subcontractors must work together and do their best work.

In doing so, CDA is committed to the highest standards of trust, ethics and responsibility by all of our employees and vendors in all of our actions and relationships. Each day, we make important decisions that influence our chances of success. The wrong choice – even if it is taken in the heat of the moment or made with the best of intentions, can have significant, long-term effects on our success and reputation.

This Code of Conduct reflects CDA's strong commitment to high professional and business standards and right conduct by our employees and vendors. It is the central guide regarding our core values, vision and standards of conduct, to assure that all employees and CDA vendors perform their work and conduct business with honesty and integrity. The Code of Conduct is intended to help our employees, vendors and other City stakeholders to learn or better understand the legal and ethical policies that govern their decision-making on a daily basis. It is also intended to help prevent our employees and vendors from violating City laws and regulations by providing a clear and simple list of actions that are appropriate and expected of them.

As you know, the Code of Conduct cannot cover every possible situation, but it provides the basic legal guidelines and essential ethical behavioral standards that will help us make the right decisions. It is my hope that the Code of Conduct will help foster an environment of trust and ethical behavior, as well as, greater diversity and inclusion, by our employees and vendors - particularly small, disadvantaged, minority, women and veteran-owned business enterprises.

We all need to be diligent and committed to reporting any concerns or violations of the Code of Conduct as soon as they arise – without exception. We will not accept any negative actions against employees or vendors who raise legitimate compliance concerns in good faith. Each of us has an obligation to act in accordance with this Code of Conduct. If there are times when we are uncertain what to do, it is our duty to promptly ask for guidance.

Public service is a public trust. We must all make the Code of Conduct a vital part of our work and in everything we do for the City of Chicago. Thank you.

**Mayor Lori E. Lightfoot**  
City of Chicago

**Commissioner Jamie L. Rhee**  
Chicago Department of Aviation

Mayor Lightfoot  
Commissioner Rhee
CDA Core Mission

The CDA’s core mission is to: ensure safe and efficient travel through O’Hare and Midway International Airports; enhance economic activity and job creation within the City of Chicago and the region; continue to grow Chicago’s airports’ competitive positions in the global aviation marketplace; provide world class services and amenities in an environment that reflects Chicago’s rich, diverse and unique character; and continue to be the international leader in airport sustainability by integrating environmental best practices into all aspects of the airports. In order for CDA to continue to fulfill its core mission and achieve its goals in connection to our $8.5 billion terminal expansion program, all of our employees and vendors must be fully committed to high professional and business standards.

Table of Contents

ETHICAL PRINCIPLES, CORE VALUES AND STANDARDS OF CONDUCT 4

DOING BUSINESS WITH THE CITY OF CHICAGO 11

DIVERSITY PROGRAMS AND POLICIES 26

HARASSMENT 36

CONFLICTS OF INTEREST AND APPEARANCE OF IMPROPRIETY 40

POLITICAL ACTIVITIES 48

CHARITABLE ACTIVITIES 52

HEALTH AND SAFETY 54

INFORMATION TECHNOLOGY 57

ENFORCEMENT PROCEDURES 62
I. ETHICAL PRINCIPLES, CORE VALUES AND STANDARDS OF CONDUCT

This section provides an introduction to CDA’s Code of Conduct. It starts with an overview of the Code of Conduct in the Municipal Code of Chicago which applies to every City official and employee. CDA’s Code of Conduct, which includes more specific governing rules, is not intended to supersede the City’s Code of Conduct or any other existing City policies, procedures, ordinances and laws. CDA employees remain bound by all City policies, procedures, ordinances and laws. This section provides an overview of CDA’s ethical principles which are intended to help all CDA employees and vendors perform their work professionally and conduct business with honesty and integrity at all times. These underlying principles will help CDA employees and vendors to learn or better understand the specific legal and ethical policies discussed in CDA’s Code of Conduct that govern their decision-making on a daily basis, as well as, their misconduct or wrongdoing. This section includes the following topics:

5 Municipal Code of Chicago, Chapter 2-156-005
7 Professionalism, Fairness and Integrity
8 Personal Appearance
9 Protection and Proper Use of City Assets
10 Privacy/Confidential Information
The Municipal Code of Chicago includes a Code of Conduct that is aspirational. The City’s Code of Conduct is intended to guide the conduct of every City official and employee - including all CDA employees. Every City official and employee is expected to follow the City’s Code of Conduct.

In addition, CDA employees, CDA contractors and their subcontractors are expected to comply with the CDA’s Code of Conduct which incorporates all of the requirements in the City’s Code of Conduct.

### What do I need to know?

- City employees must place loyalty to the federal and Illinois constitutions, laws and ethical principles above their own private gain or interest
- City employees must give a full day’s work for a full day’s pay
- City employees must put forth an honest effort in the performance of their duties
- City employees must treat members of the public with respect, and be responsive and forthcoming in meeting their requests for information
- City employees must act impartially, so that no private organization or individual is given preferential treatment
- City employees must refrain from making unauthorized promises that bind the City
- City employees must never use any nonpublic information for private gain
- City employees must engage in no business or financial transaction that is inconsistent with their City duties
- City employees must protect and conserve City property and resources, and use the property and resources only for authorized purposes

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### Who is required by law to adhere to the City’s Code of Conduct?

- The City’s Code of Conduct applies to every City official and employee
  - An “official” means any person holding any elected office of the City or any appointed, non-employee member of any City agency
  - An “employee” means an individual employed by the City, whether part-time or full-time, but excludes elected officials and City contractors
- The City’s Code of Conduct, which is incorporated into CDA’s Code of Conduct, also applies to every CDA contractor, CDA subcontractor and person seeking to do business with CDA
  - “City contractor” means any person (including his or her agents or employees) who is paid from the City treasury for services to any City agency
  - “Seeking to do business” means (1) taking any action within the past 6 months to obtain a contract or business from the City; and (2) the contract or business sought has not been awarded
What do I need to know? (Cont.)

- City employees must disclose waste, fraud, abuse, and corruption

- City employees must adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, national origin, age, sexual orientation or handicap

- City employees must not engage in, encourage or permit sexual harassment of another City employee
Professionalism, Fairness and Integrity

CDA employees and vendors should make decisions that benefit the public interest and engage in activities that are consistent with the performance of their duties. You should treat others with impartially and equity. No special favors or privileges should be provided or accepted that could be perceived as influencing the performance of your duties. You are expected to act in a respectful and professional manner.

What do I need to know?

- CDA employees are public servants who must place loyalty to the City of Chicago and its applicable laws, regulations and ethical principles above their private gain or interest.

- CDA employees and vendors must put forth an honest effort in the performance of their duties. They are expected to give a full day's work for a full day's pay. Vendors are expected to be responsive to the City contract requirements and a responsible contractor or subcontractor.

- CDA employees must treat members of the public with respect, and be professional, responsive and forthcoming in their communications and dealings with them.

- CDA employees and vendors must act impartially in the performance of their duties.

- CDA employees and vendors must promptly disclose waste, fraud, abuse and corruption to the appropriate authorities.

- CDA employees and vendors which engage in disruptive or threatening behavior may be subject to sanctions, including discharge, contract termination, suspension/debarment, removal from the premises and/or an enforcement action.

- CDA employees and vendors must adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, national origin, age, sexual orientation or handicap.

What type of conduct is prohibited by CDA?

- Do not give any private organization or individual preferential treatment.

- Do not make any unauthorized promises purporting to bind the City or CDA.

- Do not use any nonpublic information obtained through the performance of City work for private gain.

- Do not engage in any business or financial transaction with any individual, organization or business that is inconsistent with the performance of your CDA duties or contract.

- Do not use City time, equipment or facilities for private business purposes.

- Do not seek other employment or contracts by use of your CDA position.

- Do not use excessive profanity or offensive language in the workplace.
**Personal Appearance**

Because CDA employees and vendors represent the City of Chicago and CDA, they are required to be businesslike in their mode of dress and personal grooming. You are expected to maintain a well-groomed, neat, professional appearance at all times. Different work activities may dictate different types of dress requirements. CDA also recognizes that personal taste and style trends may vary and that our dress standard is not meant to infringe on your personal expression.

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**What do I need to know?**

- You should avoid extremes in dress, your clothing, jewelry and other accessories. Your personal items should be in good taste and suitable for a professional work environment.
- Use common sense and good judgment in your grooming and dress attire.
- Follow the specified guidelines which are not intended to be all inclusive.
- When in doubt about the appropriateness of your attire, seek guidance and approval from your supervisor prior to wearing it.

**What are some general guidelines?**

- Clothing must be clean and in good repair.
- Clothing must be modest, fit properly and may not reveal undergarments.
- Clothing must be free from writing, decals and pictures, except for small logos.
- Clothing and accessories must not interfere with work duties.
- Clothing and accessories must comply with OSHA and safety standards.
- Clothing, makeup, hairstyles and accessories must be conservative.
- Perfume and cologne must be used in moderation.
- Hair must be clean and neatly trimmed.
- Daily showers or baths, regular brushing of teeth, shaving, use of deodorants and other sensible hygienic practices should be part of each employee’s health routine.
- Footwear should be comfortable, appropriate for the job, clean, polished and in good condition.
Protection and Proper Use of City Assets

The responsibility for City-owned property is part of every CDA employee’s job. Employees are expected to use and operate City-owned property in a careful and safe manner. You may not use or permit the use of City-owned property for any unauthorized purpose, including prohibited political activity. City-owned property includes City-owned computers, telephones, smartphones, business cards, letterhead and other office supplies.

What do I need to know?

- City property must be used for City government purposes only - except when a specific policy, contract or agreement provides for personal use.

- City employees have a right to engage in political activity - but cannot do so on City time, on City governmental property or with City resources.

What type of conduct is prohibited by the City and/or CDA?

- Do not use City equipment, supplies, facilities and/or uniforms for private business purposes.

- Do not use City equipment, supplies, facilities and/or uniforms for prohibited political activities. The use of City property for political campaign purposes is strictly prohibited. The wearing of any shirt, jacket, hat, insignia, badge or other emblem of office which is used to identify CDA employees or which was purchased or provided by the City, is prohibited while campaigning.

- Do not engage in any political work, such as making telephone calls on behalf of any candidate for elected office, canvassing, evaluating contribution spreadsheets while you are on compensated time or on City property or with City-issued property.

- Do not solicit, accept or make political contributions on City property or during City compensated time.

- Do not solicit or accept political contributions from a City vendor - unless you are a candidate for elected office.

- Do not use any social media platform operated or administered by the City or that could be seen as reflecting official City policy or authority, for partisan political purposes.

What do I need to know?

- Current and former CDA employees cannot use or disclose confidential information or any non-public information other than in the performance of their official duties and responsibilities or as required by law.

- CDA employees should not leave documents containing confidential information in conference rooms, in photocopy areas, on desks or at work stations where they can be seen by outsiders or unauthorized employees. Confidential information should not be displayed on computer screens when not in use. Additional or extra copies of confidential information should be shredded, and not discarded in trash cans.

- CDA vendors must comply with the confidentiality provisions in their City contracts.

What are some examples of information that is considered to be confidential?

- Personal information within public records.

- Preliminary drafts, notes and recommendations, memoranda and other records in which opinions are expressed or policies or actions are formulated.

- Trade secrets and commercial or financial information obtained from a City vendor which claims they are proprietary, privileged or confidential, and that disclosure would cause it competitive harm.

- Proposals and bids for any contract, grant or agreement until an award or final selection is made.
II. DOING BUSINESS WITH THE CITY OF CHICAGO

This section provides an overview of the pertinent City of Chicago laws, regulations and policies which govern the CDA procurement process. The Municipal Purchasing Act for Cities of 500,000 or More Population, is the State statute that governs the City’s procurement practices. It also applies to purchase orders and contracts relating to airports owned or operated by a municipality of more than 500,000 population. The City’s procurement practices are also governed by the Municipal Code of Chicago which addresses a number of different issues, including the City’s diversity programs for procurement, false statements and false claims. Other pertinent laws which govern the City’s procurement process are in the Criminal Code of Illinois. The Department of Procurement Services (DPS) is the contracting authority for the procurement of goods and services for the City. DPS is a service department whose clients are the City’s User Departments. CDA has a budget of $8.5 billion for its terminal expansion program. CDA works together with DPS and other City stakeholders as a team and with our customers to guarantee an open, non-discriminatory, fair and timely process by establishing, communicating and enforcing superior business practices. This section includes the following topics:

12 Municipal Purchasing Act, 65 ILCS 5/8-10
13 Municipal Code of Chicago, Chapter 1-21-010
14 Municipal Code of Chicago, Chapter 1-22
16 Municipal Code of Chicago, Chapter 2-92
18 The Criminal Code of Illinois
20 Bribery and Extortion
21 Public Works Contract Change Order Act, 50 ILCS 525/
22 A Few Reminders - Bidding, Contracting and Compliance
24 Contract Disputes
The principle requirement of the Municipal Purchasing Act ("the Act") is that all contracts for amounts greater than $10,000 with certain exceptions are to be let by free and open competitive bidding, after advertisement, to the lowest responsible bidder. The Act also identifies the exceptions to this requirement which include contracts which by their nature are not adapted to award by competitive bidding - such as contracts for certain professional services, contracts for goods or services that are only available from a single source, utility service contracts, and contracts for the purchase and printing of certain educational or instructional publications.

What do I need to know?

- The Act authorizes emergency purchases affecting the public health or safety and requires City department heads to certify to the Chief Procurement Officer (CPO) the officers and/or employees of the department that are authorized to sign requests for purchases on behalf of the department.

- The Act requires parties interested in doing business with the City to disclose the ownership of their entities. Anyone with an interest, direct or indirect, of greater than 7.5% in a vendor must be disclosed to the City.

- The CPO is the sole agent of the City who is authorized to contract for labor, materials, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies. If a City employee is not the CPO, he or she must have some other legal authority to enter into any City contracts, or to change, add or delete contract provisions.

- The Act authorizes the CPO to consider the responsibility of a vendor when awarding a City contract. If the vendor is deemed to be non-responsive, the CPO may reject its bid, proposal or qualifications. Whether a vendor is responsible depends on several factors, including their financial responsibility, past performance, experience, adequacy of equipment and their ability to complete performance within a specified time limit.

- The Act authorizes the CPO to require a bond from each bidder to ensure performance of contracts exceeding $10,000.

What does the Act prohibit?

- The Act prohibits price fixing and other forms of collusion among bidders or prospective bidders. Any agreement or collusion among bidders to bid a fixed price will render their bids void.

- The Act prohibits a contract from being assigned or sublet by the successful bidder without the written consent of the CPO.
What do I need to know? A person knowingly makes a false statement of material fact when that person engages in any of the below conduct.

- Person makes a statement of material fact with actual knowledge that the statement was false
- Person makes a statement of material fact with knowledge of facts or information that would cause a reasonable person to be aware that the statement was false when it was made
- Person signs, certifies, attests, submits or otherwise provides assurances or causes any other person to sign, certify, attest or otherwise provide assurances that a statement of material fact is true or accurate in deliberate ignorance or reckless disregard of the truth or falsity of the statement
  - A person who fails to make a reasonable investigation to determine the accuracy, truthfulness or completeness of any material fact acts in deliberate ignorance or reckless disregard of the truth or falsity of the material fact

What are some examples of false statements for which CDA employees and/or contractors could be penalized by the City?

- Misstatements in securing City employment
- Requesting or accepting a leave of absence from the City on false grounds
- Falsification of any City attendance or other employment records
- Making false or deliberately incomplete statements in an official City inquiry, investigation or other official City proceeding
- Knowingly making a false accusation of discrimination, harassment or retaliation or knowingly providing false information in a City investigation
- Making any false, deceptive or fraudulent material statement in any bid, proposal or application for a City contract, application for any City permit or City license
- Making any false, deceptive or fraudulent statement in any DBE/MBE/WBE or BEPD certification application to the City
- Making any false, deceptive or fraudulent statement to the City relating to the contract participation of any DBE/MBE/WBE or BEPD
- Intentionally making a false, frivolous or bad faith allegation to the Board of Ethics
- Falsely claiming to be eligible for a City bidding preference
What do I need to know? A person makes a false claim to the City under the Chicago False Claims Ordinance when they engage in any of the below conduct.

- Person who knowingly presents or causes to be presented a false or fraudulent claim to the City for payment or approval
  - “Claim” includes any request or demand for money or property which is made by a City contractor, grantee or other recipient if the City is the source of any portion of the money or property which is requested or granted or if the City will reimburse for any portion of the money or property

- Person who knowingly makes, uses or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the City

- Person who conspires to defraud the City by getting a false or fraudulent claim allowed or paid

- Person who has possession, custody or control of property or money used or to be used by the City and, intending to defraud the City or to conceal the property, delivers or causes to be delivered, less property than the amount for which the person receives a certificate or receipt

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What do I need to know? A person makes a false claim to the City under the Chicago False Claims Act when they engage in any of the below conduct. (Cont.)

- Person who is authorized to make or deliver document certifying receipt of property used or to be used by the City and, intending to defraud the City, makes or delivers the receipt without complete knowledge the information on the receipt is true

- Person knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or employee of the City who lawfully may not sell or pledge the property

- Person who knowingly makes, uses or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the City
Chapter 2-92 of the Code of Chicago ("the Code") addresses a number of different issues in connection with the Department of Procurement Services (DPS) and City procurement, including the City’s diversity programs.

**What do I need to know?**

- “Procurement Fundamentals” is an informative City publication that provides an overview of the pertinent issues that are addressed in Chapter 2-92 of the Code. This publication is available on the website of DPS. In addition to the information specified in the Code of Conduct, Procurement Fundamentals provides information regarding: the City’s Economic Disclosure Statement; Invitations for Bids; Requests for Qualifications (RFQs); Request for Proposals (RFPs); change orders, modifications and amendments; and bid protests

- Chapter 2-56 of the Code established the Office of the City’s Inspector General who investigates the performance of City officials, employees, functions and programs to detect and prevent misconduct, inefficiency and waste. City officials and employees have a duty to promptly report any and all misconduct pertaining to City procurement to the Inspector General. The Inspector General may be contacted anonymously by telephone at 866-IG-TIPLINE (866/448-4754) and online at www.chicagoinspectorgeneral.org

**Which topics are included in Chapter 2-92 of the Code?**

- DPS Establishment and Operation (Article I)
- Public Art Program (Article II)
- Employees Contracts and Leases which includes: Contractor’s liability; Working hours in City contracts; Retainage to cover contract performance; Final payments on contracts; Payments for contractor’s subcontractors and employees; Payments for extra work or materials; Ineligibility for award of contracts; Ineligibility for City transactions; Contract utilization of City residents, apprentices, ex-offenders and B.E.P. D.; Prequalification of contractors; Contract award procedure; Gender pay equality; EEO regulations; and various City bid incentives (Article III)
- Minority-Owned and Women-Owned Business Enterprises Procurement Program which includes: Award goal; Penalty for failure to meet MBE/WBE commitments; Target Market program; Determination of compliance; Certification; Affirmative Action Advisory Board; and the City’s Mentoring Program (Article IV)
- Miscellaneous topics which includes: the MacBride Ordinance; Contracts – Business Enterprises owned or operated by people with disabilities; Joint procurement; Policy prohibiting sexual harassment; Requests for proposals and requests for qualifications; Competitive bidding contracts with multiple vendors; Electronic signatures; Innovative procurement methods; Small orders; and Emergency procurements (Article V)

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Which topics are included in Chapter 2-92 of the Code? (Cont.)

- MBE/WBE Construction Program includes: MBE/WBE certification for the construction procurement program; Aspirational goals; Contract specific goals; Race and gender-neutral measures; Contract award procedures; and Established businesses participation in the MBE and WBE construction procurement program (Article VI)

- Mid-Sized Business Initiative Construction Program which includes: Rules and regulations and enforcement (Article VII)

- Veteran-Owned Business Enterprise Procurement Program which includes: Certification and reporting; Bid incentives; and Rules and regulations (Article VIII)

- Non-Construction Mid-Sized Business Initiative Procurement Program which includes: Eligibility; Reporting requirements; Rules; and Enforcement (Article IX)
What do I need to know?

- Procurement Fundamentals also provides an overview of the pertinent issues that are addressed in Section 720 ILCS 5/33E of the Criminal Code in connection with public contracts
- Individuals and companies that previously engaged in criminal misconduct against the City or its sister agencies are ineligible to do business with the City. Criminal misconduct includes convictions and indictments for bribery, theft, fraud, forgery, perjury, dishonesty or deceit

What activities are prohibited under Section 720 ILCS 5/33E of the Criminal Code?

- The Criminal Code prohibits bid-rigging (Class 3 felony). Bid rigging occurs when two or more bidders that would otherwise be competitors cooperate so that one of them wins the bid
- The Criminal Code prohibits bid rotation (Class 2 felony). Bid rotation occurs when two or more bidders take turns winning bids
- The Criminal Code prohibits officials from knowingly opening a sealed bid at a time or place other than as specified in the bid documents or outside the presence of witnesses (Class 4 felony)
- The Criminal Code prohibits officials and employees from knowingly informing a bidder that their bid will be accepted or executed if specified individuals are included as subcontractors (Class 3 felony)
- The Criminal Code prohibits officials from knowingly awarding a contract based on criteria that was not publicly disseminated via the invitation to bid, when such invitation to bid is required, the pre-bid conference or any solicitation for contracts procedure (Class 3 felony)
- The Criminal Code prohibits kickbacks (Class 3 felony). Any person violates this Section when he has received an offer of a kickback or has been solicited to make a kickback, and fails to report it (Class 4 felony)

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The Criminal Code prohibits bribery of inspector employed by contractor or subcontractor for the purpose of obtaining wrongful certification or approval of the quality or completion of any goods or services (Class 4 felony)

The Criminal Code prohibits the approval of change orders which are not in writing. This Section only applies to change orders which authorize or necessitate an increase or decrease in either the cost of a public contract by a total of $10,000 or more or the time of completion by a total of 30 days or more (Class 4 felony)

The Criminal Code prohibits a contractor from knowingly making false statements in their bids and contracts that is material to their certification that they are not barred from contracting due to bid rigging or bid rotation (Class 3 felony)

The Criminal Code prohibits a contractor from knowingly making false statements or reports on a vendor application with the intent to influence the action of any unit of local government (Class 3 felony)

The Criminal Code prohibits bid stringing (Class 4 felony). A person commits unlawful stringing when he knowingly strings or assists in stringing or attempts to string any contract with the intent to evade governmental bidding requirements
Bribery and Extortion

The City of Chicago prohibits bribery and extortion. Under Illinois law, there are a number of ways in which one may be charged and convicted of bribery (Class 2 felony). CDA employees cannot accept bribes and payoffs from City bidders, contractors and/or subcontractor by using their position to influence any governmental decision or action. An individual may be found guilty of bribery if he or she has the intent to influence the performance of any act related to the employment or function of any public officer, public employee, juror or witness. Bribery is the act of giving or receiving something in exchange for another individual’s act to influence other conduct. Any violation of this law by CDA employees will result in their immediate dismissal and prosecution to the fullest extent of the law. This section provides you some information about bribery and provides examples of it.

What should I do to avoid a charge of bribery in connection with contracting with CDA?

• Do not promise, or tender property or personal advantage to a CDA employee who cannot lawfully accept the property or personal advantage

• Do not promise, or tender property or personal advantage to an individual believed to be a City official or CDA employee who cannot lawfully accept the property or personal advantage

• Do not promise, unlawfully receive, retain or agree to accept any property or personal advantage with the knowledge that the property or personal advantage was promised or tendered with the purpose of influencing the performance of any act related to the employment or functions of a CDA employee

• Do not promise, solicit, receive, retain, or agree to accept any property or personal advantage pursuant to an understanding that they will improperly influence or attempt to influence the performance of any act related to the employment or function of a CDA employee

What are some examples of bribery?

• Paying a public official in exchange for their decision to veto a bill or approve a contract award

• Giving a City employee NBA season tickets in exchange for their influence of the City’s bid evaluation process

• Paying for and/or taking a CDA employee on a vacation in exchange for the employee’s promise to manipulate City bid documents

Illinois Criminal Code, 720 ILCS 5/33E
What do I need to know?

- Bidding for the portion of the contract covered by the change order is subject to any requirements to employ females and minorities on the project that existed at the bidding for the original contract.
A Few Reminders - Bidding, Contracting and Compliance

Most of the goods and services procured by the City of Chicago are procured by competitive bidding via different forms of procurement (ie, IFBs, RFQs, RFPs). City contractors and their subcontractors must adhere to all of the applicable City, State and federal rules, regulations, ordinances and policies which govern the City’s bidding and contracting process. Although the Code of Conduct does not discuss many of these applicable laws and policies, there are a few requirements that we would like to mention which could help City contractors be responsive and more competitive in the bidding process.

What are some of the bidding/purchasing requirements that bidders and City contractors need to know?

- Comply with the instructions for Bidder, Requests for Proposals and Requests for Qualifications to avoid errors and omissions in your bids, proposals and qualifications. Non-responsive bids/proposals received by the City must be rejected and will likely result in your firm not getting the City contract.

- Consider utilizing one of the City’s bid incentives and programs that are designed to benefit local businesses, small businesses, and reward corporate responsibility and community awareness. The application of an incentive to a bid results in an artificial reduction of the bid, and the resulting amount is the one used by the City to determine which bidder is awarded the contract. An incentive could give bidders a competitive advantage in the City’s bidding process.

- Comply with the City’s Special Conditions governing the participation of DBE/MBE/WBEs on City contracts. The City has a number of registered Assist Agencies which are listed in the bid solicitations that are available to provide bidders and contractors assistance with meeting the applicable contract specific goals, and provide technical assistance and guidance to subcontractors.

- Complete and submit an Economic Disclosure Statement (EDS) when required. EDSs must be completed by anyone seeking the award of a City contract, and it must be kept current until the contract is completed.

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What are the bid/proposal incentives and programs of the City?

- Alternatively Powered Vehicles
- Apprentice Utilization
- Business Enterprises Owned or Operated by People with Disabilities (BEPD)
- Bid Incentive to Encourage MBE/WBE Participation
- City-Based Businesses
- City-Based Manufacturer Utilization
- Equal Employment Opportunity (EEO)
- Ex-Offender Apprentice
- (MBE/WBE) Mentor-Protégé Program
- Project Area Subcontractor Utilization
- Veteran-Owned Business Enterprise/Small Business Enterprise Joint Venture and Veteran-Owned Small Local Business
- Veteran Subcontractor Utilization
What are some of the bidding/purchasing requirements that bidders and City contractors need to know? (Cont.)

- Contact the designated Department of Procurement Services (DPS) representative if you have any questions about the bid solicitation. Unless it is a general question, DPS will answer questions from all firms via an addendum.

- Check the City’s Debarred Vendor List to avoid proposing the use of a firm that is ineligible to do business with the City.

- Comply with the prevailing wage and minimum wage requirements.

- Comply with the Multi-Project Labor Agreement (PLA). The City is a signatory to the PLA which applies to all contractors and subcontractors of any tier performing construction work.
**Contract Disputes**

City contracts typically include provisions regarding the resolution of disputes between the user department and City contractor. These contract provisions include detailed steps regarding the submission and processing of disputes. Disputes may pertain to any issues of fact or the interpretation of contract language based upon, relating to or arising under the City contract. The City makes every effort to resolve disputes with a high level of fairness, integrity and transparency.

### What do I need to know?

- A dispute related to a CDA contract should be initiated by a written notice from the City contractor to the CDA Commissioner.

- If the CDA Commissioner is unable to resolve the dispute, the contractor may submit a written Request for Resolution of a Dispute to the Chief Procurement Officer (CPO).

- If a Request for Resolution is submitted, CDA will be provided the opportunity to submit its own statement of the facts and issues.

- The CPO may contact any of the parties to obtain additional information about the dispute or clarification of or supporting documentation. The CPO may consider issues of fact or interpretation of contract language in order to render a final decision.

- The CPO will consider a request for a hearing and determine whether holding a hearing is reasonable, desirable and necessary.

- The CPO presides over hearings. Each party may be represented by an attorney. The formal rules of evidence will not apply.

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### What must be included in a written Request for Resolution of a Dispute?

- Summary of the issues being presented for resolution.

- Facts underlying the dispute.

- Reference to the pages and sections with copies of the applicable contract provisions.

- Statement of the respective positions of the contractor and CDA Commissioner.

- Documentation of material which describes, supports and relates to the issues in dispute.

- Identity of each entity believed to be a responding party, including all parties to the contract and each user department.

- Identity of any other persons or entities, including subcontractors and suppliers.

- Statement explaining why the requesting party believes that the CPO should meet with the parties, if applicable.

What do I need to know? (Cont.)

- The CPO's final decision will be rendered in writing no more than 60 business days after the last responding party's written response was submitted or due or hearing (if any) was conducted.

- The parties must notify the CPO if they want to enter into settlement discussions prior to a final decision.

- The CPO's final decision is conclusive, final and binding.

- Any aggrieved party may appeal the final decision to the Circuit Court of Cook County.
III. DIVERSITY PROGRAMS AND POLICIES

The Municipal Code describes the City of Chicago’s affirmative action policies with respect to its procurement of goods and services. It is the policy of the City that minorities and females have full and fair opportunities to participate on City contracts. Bidders are prohibited from discriminating against any person or business on the basis of race, color, national origin or sex. They must take affirmative actions to ensure that DBE/MBE/WBEs have full and fair opportunities to compete for and perform subcontracts for supplies or services. In order to implement these policies, the CDA has included Special Conditions in its bids and contracts which set forth the City’s contract goals and requirements, and describe the means through which City contractors may achieve the goals. This section includes the following topics:

- **27** DBE/MBE/WBE Contract Participation Goals
- **28** Counting DBE/MBE/WBE Participation - Commercially Useful Function
- **29** Good Faith Efforts and Waivers
- **30** Procedure to Determine Bid Compliance and Contract Compliance
- **32** DBE/MBE/WBE Noncompliance, Damages and Related Disputes
- **33** Assistance Available to DBE/MBE/WBEs
- **34** Equal Employment Opportunity
DBE/MBE/WBE Contract Participation Goals

It is the policy of the City that disadvantaged, minority and women business enterprises have the maximum opportunity to participate in the performance of City contracts. The City has a federally approved Disadvantaged Business Enterprise (DBE) Program for the participation of DBEs – small businesses that are at least 51% owned and controlled by socially and economically disadvantaged individuals. The City also has an MBE/WBE/VBE Program to promote the participation of other small businesses that are owned and controlled by minorities, women and veterans. The City has an overall DBE Program Goal of 30% which is based on demonstrable evidence of the availability of ready, willing and able DBEs in the local market. The City also has contract specific goals for DBEs, MBEs and WBEs. Contract specific goals are determined on an individual contract basis. These goals may be met through direct participation (related to the scope of the City contract) and/or indirect participation (related to other aspects of the contractor’s business and not the City contract). Contractors may also meet the goals through the utilization of DBE/MBE/WBEs on private sector contracts.

What do I need to know?

- The City must make a good faith effort to meet its overall DBE Program Goal of 30% to avoid being penalized for non-compliance.
- The City is not permitted to use quotas on City contracts. The City must award the contract to a bidder who makes a good faith effort to meet the contract specific goal which is a percentage of the total contract value.
- The goal for a specific City contract may be higher or lower than the City’s overall DBE Program Goal. Failure by a contractor to make a good faith effort to achieve the contract specific goal and related policies in their City contract constitutes a material breach of the contract and could result in contract termination or other penalties.
- The City must also use race-neutral means to facilitate DBE/MBE/WBE participation on City contracts.

What are some examples of race-neutral means?

- Arranging solicitations, time for the presentation of bids, and delivery schedules in ways that facilitate DBE/MBE/WBE and other small business participation. This includes encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own employees.
- Providing assistance to DBE/MBE/WBEs in obtaining bonding or financing.
- Providing technical assistance and supportive services to help DBE/MBE/WBEs improve their business management, record keeping, and financial and accounting capability.
- Conducting communication and training programs to City employees and vendors on the City’s contracting procedures.

Expenditures by City contractors to a DBE/MBE/WBE may be counted toward the goals only if the business is performing a commercially useful function. Under the federal regulations, a DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work. The business must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing and paying for the material. The City requires all DBE/MBE/WBEs to perform a commercially useful function on City contracts.

**What do I need to know?**

- To determine whether a business is performing a commercially useful function, the City considers the following factors: the amount of work subcontracted; industry practices; whether the amount the firm is to be paid is commensurate with the work it is actually performing; and the DBE credit claimed.

- If the DBE/MBE/WBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected, the City will presume that the DBE is not performing a commercially useful function.

- City contractors should review the Special Conditions in a City contract for the applicable policies governing the counting of DBE/MBE/WBE participation to avoid being deemed non-responsive to the contract specific goals and/or being penalized for non-compliance. There may be other considerations that prevent the City from counting the DBE/MBE/WBE participation on a City contract towards the contract specific goals.

**What are some other considerations that may prevent the City from counting the DBE/MBE/WBE participation on a City contract?**

- The City may not count or report the participation if a DBE/MBE/WBE is not currently certified at the time of contract execution.

- The City will not count the DBE/MBE/WBE participation until the amount committed has been paid to the DBE/MBE/WBE.

- The City will not count the DBE/MBE/WBE participation unless it is performed within the company’s certification area of specialty.

City of Chicago Department of Procurement Services, DBE Special Conditions (August 2016), [https://www.chicago.gov/content/dam/city/depts/dps/ContractAdministration/StandardFormsAgreements/Construction_MBEWBE_Special_Conditions_with_County.pdf](https://www.chicago.gov/content/dam/city/depts/dps/ContractAdministration/StandardFormsAgreements/Construction_MBEWBE_Special_Conditions_with_County.pdf)
In order for a City bidder to be deemed responsive, the bidder must submit documentation that it has made good faith efforts to meet the contract participation goal. The bidder can demonstrate it has made good faith efforts by either: meeting the goal and documenting its DBE/MBE/WBE commitments; or documenting its good faith efforts to meet the contract participation goal and requesting a waiver or reduction of the goal.

**What do I need to know?**

- If a bidder is unable to meet the contract participation goal, it must submit a written waiver request with documentation to demonstrate that it took all necessary and reasonable steps or made good faith efforts to achieve the goal. The documentation must be submitted with the bidder’s proposal or the proposal will be deemed non-responsive.

**What are some examples of good faith efforts that the City will consider?**

- Soliciting through reasonable and available means the interest of certified DBE/MBE/WBEs who have the capability to perform the work.

- Selecting portions of the work to be performed by the DBE/MBE/WBEs.

- Providing DBE/MBE/WBEs adequate information about the plans, specifications and requirements of the contract in a timely manner.

- Negotiating in good faith with interested DBE/MBE/WBEs. Contractors are not required to accept higher quotes from DBE/MBE/WBEs if the price difference is excessive or unreasonable.

- Not rejecting DBE/MBE/WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.

- Making efforts to assist interested DBE/MBE/WBEs in obtaining the necessary equipment, supplies and materials.

- Using the services of DBE/MBE/WBE community organizations, contractor’s groups, governmental agencies and business organizations to provide assistance with DBE/MBE/WBE recruitment and placement.

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City of Chicago Department of Procurement Services, DBE Special Conditions (August 2016). [https://www.chicago.gov/content/dam/chicago/depts/dps/ContractAdministration/StandardFormsAgreements/Construction_MBEWBE_Special_Conditions_with_County.pdf](https://www.chicago.gov/content/dam/chicago/depts/dps/ContractAdministration/StandardFormsAgreements/Construction_MBEWBE_Special_Conditions_with_County.pdf)
Procedure to Determine Bid Compliance and Contract Compliance

What do I need to know?

- The Special Conditions provide detailed instructions for completing and submitting the schedules and documents that constitute the bidder’s DBE/MBE/WBE proposal.

- Schedule B - Affidavit of DBE/MBE/WBE/Non-DBE/MBE/WBE Joint Venture with a copy of the joint venture agreement must be submitted where the bidder proposes the participation of a DBE/MBE/WBE as a joint venture prime or subcontractor.

- Schedule C, C-1 or C-3 – Letter of Intent to Perform as a Subcontractor, Consultant, Subconsultant or Material Supplier must be submitted for each DBE/MBE/WBE. Each Schedule must specify the percentage of the dollar value of the DBE/MBE/WBE’s subcontract that will be sublet to non-DBE/MBE/WBEs and DBE/MBE/WBEs.

- Schedule D, D-1 or D-3 – Affidavit of Prime Contractor Regarding DBEs must be submitted by the prime contractor. It commits the prime to utilizing each of the listed DBE/MBE/WBEs. The prime’s Schedule D, D-1 or D-3 must conform to the commitments made by each of their DBE/MBE/WBEs as reflected in their Schedule C, C-1 or C-3.

- Schedule F – Report of Subcontractor Solicitations containing information on all subcontractors, DBE/MBE/WBEs and non-DBE/MBE/WBEs solicited for participation in the contract must be submitted by all bidders.

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How does the City monitor the actual participation of DBE/MBE/WBEs after contract award?

- City contractors must execute formal contracts or purchase orders with their DBE/MBE/WBEs after contract award.

- City contractors must timely report payments to all subcontractors on a monthly basis in the form of an electronic audit.

- Each DBE/MBE/WBE must timely confirm payments received.

- City contractors must maintain DBE/MBE/WBE utilization records for a period that is the longer of 5 years or as required. The City and other authorized persons must have full access to these records.

- City contractors must make a copy of all DBE/MBE/WBE subcontracts available upon request.

What do I need to know? (Cont.)

• Letters of Certification from the Illinois Unified Certification Program (IL UCP) must be submitted for each proposed DBE/MBE/WBE in the bidder’s Schedule D, D-1 or D-3. The certification letter verifies the current certification eligibility of the DBE/MBE/WBE and its approved area of specialty.

  ○ The City has a “one stop” certification process for DBEs and Airport Concessions Disadvantaged Business Enterprises (ACDBEs). The following entities have established the IL UCP with the City: Illinois Department of Transportation (IDOT); Chicago Transit Authority (CTA); Commuter Rail Division of the Regional Transportation Authority (Metra); and the Suburban Bus Division of the Regional Transportation Authority (Pace).

  ○ In order to participate in the City’s Business Enterprises Owned by People with Disabilities (BEPD) Program and related bid incentives, a business must be certified by the City as a BEPD.

  ○ In order to participate in the City’s Veteran Business Enterprise (VBE) Program and related bid incentives, a business must be certified by the City as a VBE.
What do I need to know?

- It is a material breach of the City contract in each of these cases: failure by a contractor to make good faith efforts to comply with the DBE/MBE/WBE contract participation goal; disqualification of the contractor, its subcontractor or supplier as a DBE/MBE/WBE; and misrepresentation by the contractor of the DBE/MBE/WBE status of its subcontractor or supplier.

- DBE/MBE/WBEs which are underutilized or not utilized as committed by the City contractor may be entitled to recover damages directly from the contractor.

- DBE/MBE/WBEs which have contract disputes with City contractors may also have the right to arbitrate in accordance with the Commercial Arbitration Rules of the American Arbitration Association (AAA).

- DBE/MBE/WBEs should consult with the AAA and/or their legal counsel for additional information regarding their rights.

What remedies can the City exercise against City contractors which fail to comply with their DBE/MBE/WBE contract participation goals?

- The City may declare a default of the contract.

- The City may withhold contract payments until corrective action is taken.

- The City may terminate the contract.

- The City may deduct liquidated damages from contract payments.

- The City may suspend or debar the City contractor and/or subcontractor from doing business with the City.

- The City may exercise additional remedies that are specified in the City contract.

If the City has determined that the contractor has failed to make good faith efforts to comply with the DBE/MBE/WBE contract participation goal and related requirements in the Special Conditions of their contract, the City may exercise a number of remedies.
DBE/MBE/WBEs should seek assistance, when necessary, from available resources to help facilitate their participation and performance on City contracts and subcontracts. DBE/MBE/WBEs may obtain assistance from City contractors and/or a number of Assist Agencies which provide professional services and business resources to businesses, including minority and women businesses which are seeking DBE/MBE/WBE and/or VBE certification eligibility.

**What do I need to know?**

- The City encourages its prime contractors to assist DBE/MBE/WBEs in overcoming barriers to their participation on City contracts. There are a number of ways that City contractors can help DBE/MBE/WBEs perform a commercially useful function on City contracts and subcontracts.

- There are several Assist Agencies which have agreed to provide assistance to prime contractors and DBE/MBE/WBEs to help facilitate their participation and performance on City contracts.

- Although the City strongly encourages its prime contractors and the Assist Agencies to provide assistance to DBE/MBE/WBEs, these businesses and entities must operate separately and independently from the City. The City is not responsible for the services that they provide.

- A list of Assist Agencies with their contact information is available on the website of the Department of Procurement Services and in the Special Conditions of City contracts.

**What types of assistance may be provided to DBE/MBE/WBEs by prime contractors and/or Assist Agencies?**

- Breaking down large subcontracts into small contracts.

- Issuing notice of solicitations in a timely manner.

- Providing technical assistance and guidance in bidding, estimating and scheduling.

- Purchasing supplies and/or leasing equipment and subcontracting only for the expertise required to perform the work.

- Providing accelerated payments or establishing pro-rated payment and delivery schedules.

- Providing, waiving or reducing subcontractor bonding requirements.

- Conducting pre-bid conferences for prospective DBE/MBE/WBEs.

- Providing financial assistance.

- Providing assistance in completing DBE/MBE/WBE certification applications.

- Utilizing DBE/MBE/WBEs to perform in areas indirectly related to the City contract.
Equal Employment Opportunity

The City of Chicago is an Equal Employment Opportunity employer. It is committed to providing equal opportunity or treatment in its recruitment, hiring, performance evaluations, promotions, demotions, transfers, discipline and termination and in all other employment practices and decisions. The City follows applicable federal, state, local laws, regulations and ordinances prohibiting discrimination and harassment in the workplace. The City has a Diversity and Equal Employment Opportunity Policy (“EEO Policy”) to ensure the full and active participation of all employees in the City’s workforce and provide an effective means for the resolution of complaints of discrimination and harassment. Through this policy, the City seeks to recruit, nurture and retain a workforce that reflects the diversity of our communities throughout Chicago. The City’s EEO Policy is implemented and enforced by the Department of Human Resources (DHR).

What do I need to know?

• The City encourages its employees, volunteers and any other individuals to raise any concerns regarding the implementation of its EEO Policy to DHR or the appropriate person in CDA

• The City’s EEO Policy applies to volunteers and employees, whether paid or unpaid, of the City, as well as applicants for City employment. The City’s EEO Policy also applies to the employees of City vendors or contractors and members of the public

• Conduct that may be considered unlawful under applicable federal, state or local law may nevertheless violate the City’s EEO Policy and result in disciplinary action, up to and including discharge

• Any supervisor who becomes aware of conduct that may be considered discriminatory, harassing or retaliatory must promptly report such conduct

• A dating relationship and/or physically intimate relationship between a supervisor and subordinate may create the appearance of impropriety. Any supervisor who works for CDA and has such a relationship with another City employee or volunteer must report it to the CDA Commissioner, in writing

• Any employee, volunteer or applicant for City employment who believes that he or she has been discriminated against or harassed or who claims to have suffered retaliation, may file a complaint with DHR and also report the conduct to the CDA EEO Liaison

What type of conduct is prohibited by the City?

• The City prohibits discrimination based on race, color, sex, gender expression or identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or unfavorable discharge from military service and any other status or characteristic protected by federal, state or local law, regulation or ordinance

• The City prohibits sexual harassment

• The City prohibits other forms of harassment based on race, color, sex, gender expression or identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or unfavorable discharge from military service and any other status or characteristic protected by federal, state or local law, regulation or ordinance

• The City prohibits retaliation against any person who in good faith asserts his or her rights by (1) opposing discriminatory practices in the workplace (2) complaining about prohibited conduct; or (3) complaining to, cooperating with or assisting in resolving a complaint of discrimination. Actions which may be considered retaliatory include, but are not limited to, refusal to hire, denial of promotion or job benefits, demotion and suspension or discharge

Continues on next page
What do I need to know? (Cont.)

- Persons who believe they are victims of sexual harassment by a City elected official may report the matter to the Board of Ethics or to the Office of the Inspector General (OIG)

- Any employee or volunteer who knowingly makes a false accusation of discrimination, harassment or retaliation or knowingly provides false information in the course of an investigation, may be subject to discipline

- Complaints made by individuals employed by a City contractor alleging that a City employee has engaged in conduct that may violate the City’s EEO Policy should be made to the OIG

- Complaints by members of the public alleging that a City employee has engaged in conduct that may violate the City’s EEO Policy should be made to the OIG

- City employees or volunteers found to be in violation of the City’s EEO Policy may be subject to discipline, up to and including discharge

- City contractors found by CDA to have engaged in discriminatory, harassing or retaliating conduct may be subject to penalty up to and including contract termination and/or suspension or debarment
IV. HARASSMENT

The City of Chicago is committed to providing a work environment that is free of harassment. Harassment is unwelcome verbal or physical conduct toward an individual or a group because of a protected class. The City prohibits harassment based on race, color, sex, gender expression or identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or unfavorable discharge from military service and any other status or characteristic protected by federal, state or local law, regulation or ordinance. This section includes the following topics:

- 37 Work Harassment
- 38 Sexual Harassment
- 39 Bullying
Workplace Harassment

The City of Chicago prohibits workplace harassment based on race, color, sex, gender expression or identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or unfavorable discharge from military service, credit history and any other status or characteristic protected by federal, state or local law, regulation or ordinance. The City has a duty to maintain a work environment free of harassment based on any of these protected classes.

What do I need to know?

- Harassment is defined as slurs and other verbal or physical conduct relating to an individual’s membership in a protected class when the conduct (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment (2) has the purpose or effect of unreasonably interfering with an individual’s work performance or (3) otherwise adversely affects an individual’s employment opportunities

- Harassment often consists of a series of incidents which are found to be severe or pervasive enough to create a hostile work environment

- Workplace harassment should be reported to your supervisor. Employees or volunteers found to have engaged in workplace harassment may be subject to discipline, up to and including discharge. Supervisors who knowingly permit or ignore workplace harassment in the workplace will be subject to disciplinary action

What are some examples of workplace harassment?

- Repeated derogatory or offensive comments related to a person’s protected class

- Displaying insensitive pictures, cartoons and jokes about a protected class or disseminating such material through workplace email

- Repeated threats of dismissal or severe discipline without cause

- Excluding or isolating a person from workplace activities because of their protected class

- Making fun of an individual’s religious practices

- Extreme criticism of an individual’s work performance in front of employees or customers

- Distribution, display, viewing, downloading or discussion of any written or graphic material, including online content, voicemail, email, text messages, calendars and posters that are sexually suggestive or show hostility toward an individual or group based on a protected class
Sexual Harassment

The City of Chicago prohibits sexual harassment. No person should be required to endure sexual harassment by supervisors or coworkers or as a condition of employment or as a condition of receiving City services.

What do I need to know?

- Sexual harassment includes any unwelcome sexual advance or request for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of City services, (2) submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual or (3) such conduct has the purpose or effect of interfering with the work performance of an employee or volunteer or creating an intimidating, hostile or offensive work environment.

- There is a broad range of conduct which may be considered sexual harassment under the City of Chicago Diversity and Equal Employment Opportunity Policy.

- Sexual harassment should be reported to your supervisor. Employees or volunteers found to have engaged in sexual harassment may be subject to discipline, up to and including discharge. Supervisors who knowingly permit or ignore sexual harassment in the workplace will be subject to disciplinary action.

- Elected officials who engage in conduct alleged to constitute sexual harassment may be investigated pursuant to the Governmental Ethics Ordinance. Complaints of sexual harassment committed by an elected official will be reported to the Board of Ethics or the Office of Inspector General.

- City contractors must have a written policy prohibiting sexual harassment that include, at a minimum (1) the illegality of sexual harassment, (2) the definition of sexual harassment and (3) the legal recourse available for victims of sexual harassment. A contractor's failure to have a written policy will constitute an event of default which could result in contract termination.

What are examples of conduct which may be considered sexual harassment?

- Sexually suggestive or offensive remarks
- Sexually suggestive pictures or graffiti
- Sexually suggestive gesturing
- Verbal harassment or abuse of a sexual nature
- Display of sexual objects
- Implicit or explicit requests for sexual favors
- Repeated requests for dates that are unwelcome
- Stalking
- Sexual assault
- Touching, patting or pinching
- Sending sexually suggestive email or text messages
- Displaying sexually suggestive sites on the Internet

CDA prohibits employees from bullying other employees whether or not the incidents occur on the premises of CDA or during work hours. Bullying is repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

**What do I need to know?**

- Bullying is characterized by the following criteria (1) it is aggressive behavior or intentional harmdoing (2) it is carried out repeatedly and over time and (3) it occurs within an interpersonal relationship characterized by an imbalance of power. Personality conflicts or not liking someone are not considered bullying.

- There is a broad range of conduct which may be considered bullying.

- Bullying should be reported to your supervisor. Employees or volunteers found to have engaged in bullying may be subject to discipline, up to and including discharge. Supervisors who knowingly permit or ignore bullying in the workplace will be subject to disciplinary action.

**What are examples of bullying conduct?**

- Cyber bullying - overt or covert behaviors using digital technologies, including hardware such as computers and smartphones, and software such as social media, instant messaging, texts, websites and other online platforms. This may include abusive or hurtful texts, emails or posts, images or videos, nasty gossip or rumors, imitating others online or using their login.

- Exclusion – socially or physically excluding or disregarding a person in work-related activities.

- Gesture bullying – nonverbal threatening gestures including glances that convey threatening messages.

- Physical bullying – pushing, shoving, kicking, poking, tripping, assault, threat of physical assault or damage to a person’s work area or property.

- Social bullying – sometimes this is referred to as covert bullying. It is carried out behind the bullied person’s back and designed to harm someone’s social reputation and/or cause humiliation. Activities include lying, gossip, spreading rumors, playing jokes to embarrass and humiliate and damaging someone’s reputation or social acceptance.

- Verbal bullying – slandering, ridiculing or defaming a person or his or her family, persistent name calling that is hurtful, insulting or humiliating, abusive and offensive remarks.
V. CONFLICTS OF INTEREST AND APPEARANCE OF IMPROPRIETY

City of Chicago employees owe a fiduciary duty to the City in the performance of their public duties. They are prohibited from engaging in improper influence, the appearance of impropriety and representing other persons. No employee can make, participate or use his position to influence any City governmental decision or action in which he has a financial interest (ie, derived income or compensation in the previous year, or expect to derive income or compensation in the next year or have an ownership interest that is worth $1,000 or more or have any financial interest distinguishable from that of the general public).

No elected official or any person acting at the direction of such official can contact any other City official or a CDA employee with respect to any matter involving any person with whom the elected official has a business relationship.

City employees cannot make or participate in the making of any decision with respect to any matter in which they have a financial interest. No elected official or City employee may represent or derive any compensation from the representation of any person other than the City in any City of Chicago proceeding or transaction. This section includes the following topics:

- 41 Lobbying
- 42 Personnel Second Jobs
- 43 Post-Employment (Revolving Door) Restrictions
- 45 Gifts and Other Favors
- 47 Business Travel
Lobbying

The City of Chicago’s lobbying law is one of the broadest in the United States. Almost any private sector person who meets with or contacts City employees or officials to talk business could be lobbying. It is acceptable for people to lobby – it is a right guaranteed by the Constitution. But it is a regulated activity. The Board of Ethics regulates lobbying in and before City government.

What do I need to know?

- City employees and elected officials are prohibited from acting as lobbyists before any City department or agency. Mayoral appointees who serve on City boards or commissions may engage in lobbying the City on behalf of their employers or clients.

- With some exemptions, City law requires all persons who lobby to register with the Board of Ethics every year and four times each year file reports of their lobbying activity, compensation and expenditures, campaign contributions and an itemized list of all gifts given to City personnel and their recipients. Only lobbyists are required to register – neither their clients nor the City employees and officials they lobby need to register.

- CDA and other City employees are not required to talk to lobbyists.

- City policy-makers must report to the Board of Ethics the names of anyone they believe has lobbied them and who they know haven’t yet registered. You may simply call the Board or send it an email with the name of the lobbyist to follow-up.

Under City law, who is considered a lobbyist?

- A lobbyist is any person who attempts to influence City decisions on behalf of another, like a client or employer, regarding City administrative or legislative matters. These matters include (1) a zoning matter (2) the preparation of contract specifications (3) the solicitation, award or administration of a contract (4) the award or administration of a grant, loan or other agreement involving the disbursement of public monies or (5) any other determination made by an elected or appointed City official or employee of the City with respect to the procurement of goods, services or construction.

- CDA employees and contractors should contact the Board of Ethics for advice on specific situations.

The City of Chicago recognizes that some employees may need or want to hold additional jobs outside their employment with the City. The City does not prohibit City employees and officials from having outside employment. However, the City imposes restrictions on City personnel who have outside employment, both while they are on their outside jobs and while they are in their City positions.

What do I need to know?

- CDA strives to provide the best service to its customers and it requires the full attention and efforts of CDA employees. To this end, CDA focuses on shared values, purpose and vision and neither endorses nor precludes employees from seeking employment outside their positions with the department unless it presents a conflict of interest or has any potential for negative impact on CDA.

- CDA employees must obtain written permission from the CDA Commissioner to engage in secondary employment or outside business activities.

- For authoritative guidance about outside employment, CDA employees are encouraged to contact the CDA ethics officer or the Board of Ethics which allows CDA to adopt stricter rules.

What restrictions does the City or CDA impose on CDA employees who have or seek outside employment?

- CDA employees may not engage in a profession, business, trade, investment, occupation or other activity that results in a conflict of interest with their CDA employment.

- Any CDA employee holding outside employment must demonstrate satisfactory performance in his or her job responsibilities with CDA at all times. All CDA employees will be expected to meet the job performance standards established by CDA and will be subject to CDA work and scheduling demands, regardless of any other outside work requirements.

- If CDA determines that an employee’s outside work interferes with his or her job performance or the ability to meet the requirements of CDA at any time, the employee may be asked to terminate the outside employment.

Post-Employment (Revolving Door) Restrictions

The City of Chicago has post-employment or “revolving door” restrictions that are designed to prevent former government personnel from improperly profiting from their government connections or inside knowledge. After CDA employees leave their City employment or service, there may be certain activities, matters or projects with or before the City on which they cannot work. There are seven restrictions, none of which apply to former City officials or employees who become employed by and act on behalf of another government agency. There are severe penalties for violating the restrictions.

What do I need to know?

- Department heads and non-clerical employees of the Mayor’s Office may not, for two years after leaving the City, lobby any City department, employee or official
- Other former Shakman-exempt City employees from the Executive Branch, and Mayoral appointees to City boards or commissions, may not, for two years after leaving the City, lobby the City department, agency or commission in which they served, or any City employee or official in a department, agency or commission in which they served
- For one year after a City employee or official leaves the City, he or she may not assist, represent or lobby on a business transaction that involve the City if, while working for the City, he or she was personally and substantially involved in the subject matter of that transaction
- If a former City employee or official exercised contract management authority with respect to a City contract, he or she may not assist any person on that contract
- A former City employee or official cannot assist or represent any person other than the City in any judicial or quasi-judicial proceeding involving the City if he or she was counsel of record or personally and substantially involved in that proceeding during City service. This bar lasts throughout the proceeding

What are the penalties for violating these restrictions?

- Any contract negotiated, entered into or performed in violation of these restrictions can be voided by the City
- Violators can be fined up to $2,000 per offense
- Permits, licenses, rulings, determinations or other official City actions sought, obtained or begun in violation of the Ordinance are invalid
- The City may pursue all legal or equitable remedies against violators

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Post-Employment (Revolving Door) Restrictions (Cont.)

What do I need to know? (Cont.)

- A former City employee or official may never disclose confidential or non-public information obtained in the course of City service.

- City officials or employees may not negotiate possible future employment with any person, except another governmental entity, with a matter pending before them. If City employees or officials want to negotiate with such persons or companies, they must recuse themselves from all City matters involving the potential employer and delegate responsibilities to other City employees.
Gifts and Other Favors

Because gifts might lead City employees to favor or appear to favor the giver, such as their employee, a City bidder/contractor, lobbyist or applicant, City employees cannot accept gifts unless they fall into one of the exceptions under the City’s Governmental Ethics Ordinance. City employees or officials, their spouses, domestic partners and immediate family members or other relatives living with them, may not accept any gift or combination of gifts worth more than $50 from a single source per year unless it falls into an exception. Although the City allows City employees to accept gifts under certain circumstances, CDA has implemented department policies that are more restrictive than the City’s Governmental Ethics Ordinance. CDA has a zero-gift policy. CDA’s gift policy prohibits CDA employees and/or their family members from accepting any gifts from vendors or prospective vendors. The CDA zero-gift policy applies to any employee whose duties or responsibilities involve CDA. A gift is anything of value given without fair market consideration. Simply put - a gift is anything that you receive without giving anything in return.

What do I need to know?

• City contractors which have or are seeking an economic interest in CDA are prohibited from offering or giving a gift, regardless of value, to any City official or employee whose duties or responsibilities involve CDA.

• City employees may not accept: any anonymous gift; any cash gift; and any gift, money or other item, regardless of value, in exchange for advice or assistance on City business.

• If offered or sent a gift from a City vendor, CDA employees should promptly return the gift to the giver, with a letter that thanks the giver, identifies or describes the gift, and informs the giver that the gift is being returned because CDA employees are prohibited from accepting gifts from City vendors under the CDA’s zero-gift policy.

• City employees may give any gift to co-workers at their level or at a lower pay rate.

• City employees may not give their official superior any gift other than a non-cash item or gift card worth $10 or less.

• City employees may not solicit co-workers for a gift to any official superior.

• Gifts during the holiday season for grab bag parties must be worth $10 or less and cannot be cash in any amount.

• Official superiors may never coerce their subordinates into giving or contributing to a gift.

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As a best practice - CDA employees should consult with CDA or the Board of Ethics prior to accepting a gift from persons who are not City vendors or prospective vendors, relatives or personal friends. What are the exceptions to the City’s gift restrictions under the City’s Governmental Ethics Ordinance and/or CDA’s zero-gift policy?

• Any opportunity, benefit, loan or service offered to the public on the same terms.

• Anything for which the City official or employee pays the fair market value.

• Any lawful campaign contribution.

• Gifts from relatives.

• Gifts from an official superior.

• Gifts from personal friends.

• Any bequest, inheritance or other transfer at death.

• Gifts accepted on the City’s behalf.

• Any award for public service provided that such award is not cash, a gift card or a cash equivalent.

Continues on next page
What do I need to know? (Cont.)

- City employees may contribute any amount toward food or drinks to be shared in the office among co-workers or in-office holiday parties

- Any gift that a lobbyist gives to a City employee or official must be reported with the recipient's name

- City employees do not violate this law if he or she promptly takes reasonable action to return a prohibited gift or transfer any tangible or perishable gift to a tax-exempt charity

- When in doubt about accepting a gift – just say “no thank you” or contact the appropriate persons at CDA and/or the Board of Ethics

- CDA employees, City contractors and their subcontractors must register, view an online gift policy training video, and sign and present an Acknowledgment and Certification Form

As a best practice - CDA employees should consult with CDA or the Board of Ethics prior to accepting a gift from persons who are not City vendors or prospective vendors, relatives or personal friends. What are the exceptions to the City's gift restrictions under the City's Governmental Ethics Ordinance and/or CDA's zero-gift policy? (Cont.)

- Materials or travel expenses related to public or governmental educational purposes

- Any food, refreshment, lodging, transportation or other benefit resulting from outside business, employment or community activities of the City employee

- Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with meetings, appearances or public events or ceremonies related to official City business

- CDA employees may attend holiday events hosted by City vendors, prospective bidders/vendors seeking to do business with CDA and/or labor organizations, provided they reimburse the organization for the per person cost and document their payment. The amount paid by the City employee is not reimbursable by CDA
What do I need to know?

- City employees and officials must receive approval from the Board of Ethics before they accept and attend meetings related to public or governmental educational purposes. The Board recommends that they seek approval or advice as soon as possible after receiving a meeting invitation.

- City employees and officials must also report the business travel to the Board of Ethics within 10 days after their travel.

- City employees and officials may accept reasonable hosting expenses, including travel, food and/or refreshments, for meetings, appearances or public events or ceremonies related to official City business, if offered by third parties. However, the third party offering these expenses must be the sponsor of the meeting, event or ceremony; City employees must receive approval from the Board of Ethics before they accept and attend; and City employees must report their acceptance to the Board of Ethics within 10 days of the meeting or event.

- CDA employees and officials should first check with the CDA Ethics Officer to determine whether CDA has any special rules which may prevent the employee from accepting an invitation.

- City employees and officials who engage in business travel must always make sure that they also comply with the City's Official Travel Policy.

- City employees and officials are not allowed to accept any honorarium – gifts or money offered for participating in speaking engagements, lectures, conferences or panels.

What does “reasonable travel expenses” mean?

- It means only those expenses paid by a third party that are directly related to your trip’s or meeting’s business purpose. Optional entertainment expenses, such as golf, are not included.

- For additional information, refer to the City’s Office of Budget & Management travel guide for City personnel.
VI. POLITICAL ACTIVITIES

City employees have the right under State law to exercise their political rights by being politically active. Their political activities may include: working on political campaigns; circulating candidate petitions; organizing or participating in political meetings, rallies or demonstrations; making or soliciting political contributions; preparing reports of campaign contributions; assisting at the polls; soliciting votes; managing or working on a campaign for elective office; distributing campaign literature, signs or other campaign material; or campaigning for elective office. Although the City does not want to inhibit or prohibit any of its employees from exercising their political rights to engage in any of these political activities, the City has laws that restrict City employees from improperly using taxpayer funds and public resources by engaging in political activity with or on government property, at work or on government time. This section includes the following topics:

<table>
<thead>
<tr>
<th>49</th>
<th>50</th>
<th>51</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campaign Financing and Political Contributions</td>
<td>Nepotism</td>
<td>Political Hiring (Shakman Accord)</td>
</tr>
</tbody>
</table>
Campaign Financing and Political Contributions

The City of Chicago has laws governing political contributions by individuals, including public officials, City employees, City contractors, subcontractors and their owners, owners’ spouses or domestic partners, and their registered lobbyists. The City prohibits some political contributions to all persons running for elected City offices and provides monetary limits on others. The limits apply to political contributions to City officials or employees seeking election to non-City offices. There are fines for making excess contributions.

What are some of the City restrictions that apply to the conduct of City employees?

- Do not intentionally solicit, accept or make political contributions, circulate petitions or collect signatures on or with City property or during City compensated time
- Do not solicit or accept political contributions from any person or firm doing business with the City or from any other City official or employee over whom you exercise supervisory authority
- Do not offer any anonymous contribution or any contribution other than in the name of the donor to any candidate for City elected office or the candidate’s political committee; any candidate’s spouse, domestic partner or minor child; or any person acting on behalf of the candidate or his/her committees
- City employees and Mayoral appointees are also prohibited from making any political contributions to the Mayor or to his/her political committee
- City employees with contract management authority are prohibited from serving on any political fundraising committee
  - “Contract management authority” means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract

What are some additional City restrictions that also apply to the conduct of City contractors and subcontractors?

- Do not give or offer any political contribution to any candidate for City elected office based on an explicit or implicit mutual understanding that the recipient’s votes, official actions, decisions or judgments concerning City business would be influenced by it
- Do not make any cash contributions in excess of $250 to any candidate for City elected office
- City contractors, subcontractors and their owners, owners’ spouses or domestic partners, and their registered lobbyists are prohibited from making any political contributions to the Mayor or his/her political fundraising committee
- City contractors and subcontractors are prohibited from coercing, compelling or intimidating their employees to make a contribution to the Mayor or his/her political committee, or bundling contributions to the Mayor or his/her political committee
- Do not contribute more than $1,500 in political contributions in a calendar year to any City elected official, candidate for City elected office or City employee or official seeking election to any other office or any of their political committees if you are a lobbyist, doing or seeking to do business with the City or its sister agencies
- Do not contribute more than $5,600 per election cycle to a State elected official, such as those running for Governor or General Assembly. The amount is adjusted by the State Board of Elections in every odd year
- Do not contribute more than $2,500 per candidate per election (and $100 for cash contributions) to candidates for federal elected office, such as U.S. Senator or President

CDA prohibits nepotism - favoritism shown or patronage granted in employment or working conditions by a public official or public employee to relatives, domestic partner or persons with whom the employee resides.

What do I need to know?

- City employees cannot hire or advocate for hiring their relative, domestic partner or persons with whom the employee resides, in a City agency in which they serve or exercise authority, except an Alderman’s personal staff hired as a City employee.

- City employees cannot exercise supervisory authority over a relative, domestic partner or persons with whom the employee resides, except an Alderman’s personal staff hired as a City employee.

- City employees cannot use their City position to help a relative, domestic partner or persons with whom the employee resides, acquire a position with anyone whose City work they oversee.

- City employees cannot exercise contract management authority over City work done by a person or firm that employs or contracts with their relative, domestic partner or persons with whom the employee resides.

Which family members are considered to be my “relatives”?

- “Relative” means a person who is related to an official, candidate for City office or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.
Political Hiring (Shakman Accord)

The City of Chicago is subject to the May 31, 2007 Order entitled “Agreed Settlement Order and Accord” (Shakman Accord) and the June 24, 2011 “City of Chicago Hiring Plan” which prohibits the City from hiring persons as governmental employees in non-exempt positions on the basis of political reasons or factors.

What do I need to know?

- City employees cannot direct any individual to apply for a position with a City contractor, either as an employee or as a subcontractor
- City employees cannot direct City contractors to hire an individual as an employee or as a subcontractor. City contractors must follow their own hiring and contracting procedures without being influenced by City employees
- Any and all personnel provided by City contractors on City contracts must be their employees or subcontractors, not employees of the City
- City contractors cannot condition any term of the employment of any personnel provided under City contracts or offer employment to any individual to provide services to the City because of any political reason or factor
- City contractors must promptly report any communications by City employees or officials to them in violation of these prohibitions to the Office of the Inspector General and to CDA or the relevant City department

What are examples of political reasons or factors?

- Political reason or factors include any individual’s political affiliation, membership in a political organization or party, political support or activity, political financial contributions, promises of such political support, activity or financial contributions or such individual’s political sponsorship or recommendation

VII. CHARITABLE ACTIVITIES

The City of Chicago recognizes that many employees serve as staff or Board members of non-profit social service or neighborhood organizations, religious organizations or other 501(c) (3) entities. Generally speaking, the City considers this to be a good thing and does not prohibit City employees and officials from participating in charitable activities. However, the City does impose restrictions on outside volunteer activities by City employees. This section provides information about what City employees need to know about those restrictions, as well as what CDA employees need to do.
What do City employees need to know?

- City employees have a fiduciary duty to the City and must give their undivided loyalty to the City. If they serve as a Board or staff member of an outside organization, their fiduciary duty to the City must always come first.

- City employees are prohibited from representing or receiving any compensation or income for representing any person other than the City in any non-ministerial transaction or proceeding before a City agency.

- City employees who file annual Statement of Financial Interests with the Board of Ethics must disclose their outside Board service.

- City employees who are interested in serving for non-profit organizations that have or want to have business transactions with the City are advised to consult with the Board of Ethics for a confidential advisory opinion.

What do CDA employees need to do?

- CDA employees must comply with all City restrictions and CDA departmental rules that govern their non-City activities or outside volunteer services.

- CDA employees must report their outside volunteer services with any organization to the CDA department head if the organization has or will be applying for City transactions.
VIII. HEALTH AND SAFETY

The City of Chicago is committed to maintaining a safe, healthy and productive work environment for its employees. In order to maintain a safe and healthy work environment, the City has established a drug and alcohol testing policy which is taken seriously by CDA. In addition, CDA is embracing the best possible environmental, social and fiscally responsible practices to enhance the quality of life and complement the overall mission and goals of the City. CDA has implemented numerous airport industry-leading initiatives to improve natural resource conservation, operational efficiency, social responsibility and economic viability at O’Hare and Midway International Airports. CDA continues to seek creative ways to reduce emissions and energy use, conserve water and natural resources, salvage and recycle materials, reduce waste and educate passengers and the local community.

This section provides information about: 1) the City’s Drug and Alcohol Testing Policy and Employee Assistance Program; 2) the obligations of CDA contractors and subcontractors to assure safe and healthful workplaces; and 3) CDA’s sustainability initiatives at O’Hare and Midway International Airports.
What do I need to know?

- The City may require testing of an employee for whom there is a reasonable suspicion that the employee has used drugs or alcohol or is under the influence of drugs or alcohol while at work, on City property or on City business. Any employee who tests positive for drugs and/or alcohol use and refuses to cooperate with testing procedures will be terminated.

- CDA recognizes drug dependency as an illness. CDA also recognizes drug abuse as a potential health, safety and security problem. The City has an Employee Assistance Program (EAP) which employees are encouraged to use, as appropriate.

- Under the Occupational Safety and Health (OSHA) Act, employers are responsible for providing a safe and healthful workplace. Like OSHA, CDA is fully committed to having a safe and healthful workplace for all of its employees by setting and enforcing standards, and by providing training, outreach, education and assistance as needed.

- CDA contractors and subcontractors must fully comply with all applicable OSHA standards, including the requirement to keep their workplace free of serious recognized hazards.

What services are provided to CDA employees under the City’s Employee Assistance Program (EAP)?

- EAP provides help to City employees who experience personal difficulties, including drug or alcohol problems.

- Use of the EAP by City employees is voluntary and confidential.

- CDA employees are encouraged to seek assistance from EAP before alcohol or drug use interferes with their job performance and leads to disciplinary action. An employee’s decision to utilize the EAP will not be used as the basis for disciplinary action.

- Participation in an EAP will not preclude discipline, nor will it be a defense to disciplinary action where the information leading to the adverse employment action was gathered from sources other than EAP.

CDA has an obligation to maintain a safe, healthy and productive work environment for all of its employees. The unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance or of an intoxicating substance on CDA premises or while conducting CDA business is absolutely prohibited.

What do I need to know?

• The purpose of the SAM is to integrate airport-specific sustainable planning and practices early in the design process, through planning, construction, operations, maintenance and all airport functions with minimal impact to schedule or budget.

• The SAM is based on existing federal, state and local regulatory requirements with additional sustainable and best practice environmental strategies and considerations.

• CDA employees, contractors and subcontractors responsible for the administrative, planning, design, construction, daily operations and maintenance functions for O'Hare and Midway International Airports are encouraged to consider and/or follow the SAM as may be required.

Which sustainability practices may be required of CDA contractors and subcontractors?

• Contractors’ administrative work associated with CDA contracts may be required to comply to the SAM as it relates to green meetings, document reduction and recycling, recycled content paper, corporate sustainability and green procurement.

• Custodial work of CDA contractors and subcontractors may be required to comply to the SAM as it relates to green cleaning, storage and collection of recyclables, and the reduction of plastic waste.

• CDA contractors may be required to have at least one LEED-accredited principle participant on their team.

• CDA contractors may be required to provide assistance to CDA and/or its tenants in connection with community education and solid waste management.

• CDA contractors and subcontractors are encouraged to (1) promote the use of commuting by alternative transportation (2) change the purchase or use of material and products to reduce the amount of waste disposed of at landfills (3) use reusable containers or biodegradable bottles and (4) enhance innovation by reviewing, identifying and implementing new ideas, purchasing policies and actions.

• CDA contractors are required to track, document and report on their sustainability measures. CDA contractors may be required to submit a SAM Checklist.
IX. INFORMATION TECHNOLOGY

In order to effectively conduct the City of Chicago’s business and operations, the City makes available to authorized employees and third parties various information technology resources, including email, the City’s Intranet, the Internet and other communication and productivity tools. The use of these resources is intended for business purposes in accordance with the users’ job functions and responsibilities, with limited personal use permitted only in accordance with the City Ethics Ordinance, personnel rules, the City’s Information Security Policy, Social Media Policy and other applicable City policies. This section provides information about the City’s Information Security Policy and information security program, as well as the responsibilities of information users, including City employees, City contractors and other authorized persons. It also provides information about the City’s Social Media Policy and gives examples of prohibited communications.
Information Security Policy

The City of Chicago’s Information Security Policy defines the governing principles for the secure operation and management of the information technology used, administered and/or maintained by the City and for the protection of the City’s information assets. The purpose of the Policy is to: define the responsibilities of the City’s officers, employees, agents, departments, commissions, boards, offices and agencies with respect to appropriate use and protection of the City’s information assets and technology; and ensure that the City’s information assets and technology are secure from unauthorized access, misuse, degradation or destruction. The City’s Information Security Policy applies to CDA, its employees and CDA vendors.

What do I need to know about this Policy?

- City employees and City contractors must maintain the confidentiality of their user credentials. They cannot allow unauthorized persons to use their network account, email address or other City-provided computer facilities.

- City employees and City contractors cannot use City-provided Internet or Intranet access or the City’s confidential or internal information to solicit or conduct any personal commercial activity.

- City employees and City contractors cannot make statements on behalf of the City or disclose confidential or internal City information unless expressly authorized in writing by their department management.

- City employees and City contractors must protect confidential or internal information being transmitted across the Internet or public networks.

- Internal information, such as email lists, must not be posted to any external information source without the prior written consent of the department’s management.

- City employees and City contractors must not install software on the City’s network and computer resources without prior written permission from the Department of Innovation and Technology.

Who is responsible for the City’s information security program?

- The City’s Department of Innovation and Technology is responsible for designing, implementing and maintaining a City-wide information security program, in conjunction with other departments and for assisting all City departments, agencies, offices, boards and commissions in implementing and maintaining information management practices.

- The City’s Chief Information Officer is responsible for compliance and enforcement activities associated with the City’s Information Security Policy, and is responsible for the overall security of information assets and technology at the City.

- The Information Security Office is responsible for driving daily activities and enforcement; managing and directing the City-wide information protection program; and coordinating the review of risks and security implications associated with the use of all technologies within the City’s operating environment.

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What do I need to know about this Policy? (Cont.)

- City employees and City contractors must not copy, alter, modify, disassemble or reverse engineer the City's authorized software or other intellectual property in violation of licenses provided to or by the City. They may not download, upload or share files in violation of U.S. patent, trademark or copyright laws.

- City employees and City contractors must not access the Internet, the Intranet or email to use, upload, post, mail, display or otherwise transmit any content, communication or information for inappropriate uses.

- City employees and City contractors must report suspected security violations to the Information Security Office.

- City employees and City contractors must adhere to corporate information security policies, standards and technical controls.

- City employees and City contractors must use City information resources responsibly and for authorized purposes only.
Social Media Policy

The City of Chicago has a Social Media Policy. The City utilizes multiple “on-line” channels to communicate to its employees, business partners, other government organizations, media outlets and residents. Some examples of these channels include, but are not limited to Facebook, MySpace, Yahoo!, Twitter, Blogs, Wikipedia, YouTube and any other site where texts, documents or multimedia files can be posted. Because these sites are also used by City employees and City contractors for personal reasons, the City requires that all personal and official business postings be clearly differentiated.

What do I need to know about this Policy?

- City employees and City contractors must adhere to all laws, City ordinances and policies when participating in social media and avoid prohibited communications.

- Social media communications in connection with the transaction of public business should be posted solely from a City-approved social media account and not from a personal social media account unless approved by the Mayor’s Office and department head.

- City employees may include official City social media addresses and accounts on City documentation per internal department guidelines.

- All official accounts must be managed by department Public Information Officers (PIOs) unless otherwise requested by the department head. The PIO is in charge of posting content and monitoring the social media site.

- Comments by City employees should be considered part of the public record and should focus on highlighting and explaining the department’s mission. Employees should not post comments that contain sensitive, personal or confidential employee information.

- All official City websites and presences on social media sites are considered an extension of the City’s information networks and must be maintained in accordance to City standards.

What are examples of prohibited communications?

- Interferes with official City business.

- Is hateful, harassing, threatening, libelous or defamatory, pornographic, profane or sexually explicit.

- Is deemed by the City to offend persons based on race, ethnic heritage, national origin, sex, sexual orientation, age physical or mental illness or disability, marital status, employment status, housing status, religion or other characteristics that may be protected.

- Impersonates a person, organization or business.

- Enables or constitutes gaming, wagering or gambling.

- Promotes or participates in unauthorized fundraisers.

- Promotes or participates in partisan political activities.

- Promotes or participates in unauthorized advertising of City projects and any advertising of private projects.

- Compromises or degrades the performance, security or integrity of the City’s technology resources and information assets.

- Contains a virus, logic bomb or malicious code.

- Constitutes participation in chain letters, unauthorized chat rooms, unauthorized instant messaging, spamming or any unauthorized auto-response program or service.

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What do I need to know about this Policy? (Cont.)

- All sites must follow the City and State data retention requirements. Posts that are made to these sites are considered public records and must be preserved pursuant to the Illinois Local Records Act.

- All City’s Ethics Rules, Acceptable Use of Assets, Codes of Conduct, Personnel Rules and any other regulations governing the conduct of City employees apply equally to all social media postings.
X. ENFORCEMENT PROCEDURES

The CDA Code of Conduct covers many types of possible conduct by CDA employees, City contractors and their subcontractors, as well as others. We encourage all CDA employees and contractors to review this Code of Conduct very carefully and make every effort to comply with it at all times. Violations of the Code of Conduct will be taken seriously by CDA. This section summarizes how CDA’s regulatory and enforcement procedures work. It does not include the enforcement procedures in connection with investigations conducted by the Office of the Inspector General of the City or its sister agencies and/or regulatory actions commenced by the Board of Ethics which also has the authority to track, investigate and impose penalties.
What do CDA employees need to know?

- Persons have an affirmative duty to promptly report serious concerns, all misconduct and violations of the Code of Conduct to the CDA department head and/or her designee and/or the OIG. The OIG may be contacted anonymously by telephone at 866-IG-TIPLINE (866/448-4754) and online at www.chicagoinspectorgeneral.org

- Any and all misconduct pertaining to City procurement should be promptly reported to the OIG

- The Antitrust Division of the U.S. Department of Justice is responsible for investigating and prosecuting crimes associated with procurement such as price fixing and bid rigging

- Any CDA employee, volunteer or applicant for City employment who believes that he or she has been discriminated against or harassed or who claims to have suffered retaliation, should report the conduct to the CDA EEO Liaison and file a complaint with DHR

- CDA employees should report workplace harassment, sexual harassment and bullying to their supervisor. Complaints of sexual harassment committed by a City elected official will be reported by CDA to the Board of Ethics or to the OIG

- Any CDA employee who knowingly makes a false accusation of noncompliance or knowingly provides false information, may be subject to discipline, up to and including discharge

- CDA employees may also contact the Board of Ethics for confidential advice or guidance at: (312) 744-9660 (telephone); (312) 744-5996 (TTY); and (312) 744-2793 (facsimile)

What are possible penalties for noncompliance?

- Failure by a City contractor to make a good faith effort to achieve the DBE/MBE/WBE contract specific goal(s) and related policies in its City contract constitutes a material breach of the contract and could result in contract termination or other penalties, including but not limited to suspension and debarment from doing business with the City and/or its sister agencies

- The CDA Code of Conduct includes many of the restrictions in the Ethics Ordinance. The Board of Ethics has the sole authority to determine whether violations of the Ethics Ordinance have occurred and can impose or recommend penalties, including fines, employment sanctions, removal from office, censure or invalidation of contracts. Possible penalties are listed below

- Contracts negotiated, entered into or performed in violation of the Ethics Ordinance are voidable as to the City

- Permits, licenses, rulings, determinations or other official actions of CDA or another City agency applied for, sought, obtained or undertaken in violation of the Ethics Ordinance are invalid and without any force or effect

- Employees who violate the Ethics Ordinance are subject to fines and employment sanctions, including discharge

- City officials who violate the Ethics Ordinance are subject to removal from office

- There are severe penalties for CDA employees who violate the City’s post-employment restrictions. Any contract negotiated, entered into or performed in violation of the restrictions can be voided by the City. Violators can be fined up to $2,000 per offense

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What are possible penalties for noncompliance? (Cont.)

- Any person who violates the City’s gift restrictions or engages in prohibited political activities will be subject to a fine of not less than $1,001.00 and not more than $5,000.00 for each violation.

- Any person who knowingly makes, solicits or accepts a political contribution will be subject to a fine of not less than $1,000 and up to the high of $5,000.00 or three times the amount of the improper contribution that was accepted for each violation.

- Any person who intentionally makes a false, frivolous or bad faith allegation to the Board of Ethics shall be fined not less than $500.00 and up to $5,000.00 for each offense, and if such person is a City contractor, will be subject to contract termination.

- Any person who knowingly makes a false statement of material fact to the City in violation of any statute, ordinance or regulation or who knowingly falsifies any statement of material fact, is liable to the City for a civil penalty of not less than $500 and not more than $1,000, plus up to three times the amount of damages. The person will also be liable for the City’s litigation and collection costs and attorney’s fees.

- Any person who knowingly makes, uses or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the City, is liable to the City for a civil penalty of not less than $5,000 and not more than $10,000, plus three times the amount of damages. The person will also be liable to the City for the attorney’s fees and costs of a civil action brought to recover any such penalty or damages.

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What are possible penalties for noncompliance? (Cont.)

- The City’s Corporation Counsel may bring a civil action against any person who has violated or is violating the Chicago False Claims Act.

- Persons who violate any other provision of the Code of Conduct and/or the Ethics Ordinance are subject to a fine between $500 and $2,000 for each offense.
Suspension and Debarment

Debarments are discretionary actions by the City of Chicago and/or its Chief Procurement Officer (CPO) to effectuate the procurement policies of the City. The serious nature of debarment requires that the City impose these sanctions only in the public interest and not for purposes of punishment. A CDA contractor’s debarment will apply to all City contracts, unless otherwise stated by the CDA department head and CPO. A debarred vendor may also be debarred from participating in any City contract as a subcontractor or supplier of any tier. Depending on the cause for debarment, City contractors could be debarred from contracting with the City for a lifetime. There are several causes that could result in a City contractor’s debarment from City contracting.

What are causes for the debarment of City contractors, subcontractors and suppliers?

- Conviction of or civil judgement for
  - Fraud in connection with a City contract or subcontract
  - Violation of Federal or State statutes relating to the submission of bids, proposal or claims
  - Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property
  - Conduct indicating a lack of truthfulness, veracity or honesty that affects the responsibility of the vendor

- Violation of the terms of a City contract or subcontract including
  - Willful failure to perform in accordance with the contract
  - History of failure to perform
  - History of unsatisfactory performance
  - History of failure to meet DBE/MBE/WBE/BEPD obligations

- Making any false, deceptive or fraudulent material statement in any bid, proposal or application for City or any government work or application for any permit or license

- Making any false, deceptive or fraudulent material statement in any application to obtain, expand or continue certification as a DBE/MBE/WBE/BEPD

- Refusal to cooperate with reasonable requests of City inspectors, representatives or other City personnel with respect to work under contract provisions

What are some examples of improper conduct?

- Intentional or negligent billing irregularities

- Submitting false or frivolous or exaggerated claims, documents or records

- Falsification of claims, documents or records

- Destruction of documents or records

- Bribery or coercion of a government official

- Falsely claiming to be a DBE/MBE/WBE/BEPD or to be eligible for the Chicago Business Preference or any other bidding preference or protected market program

- Seeking DBE/MBE/WBE/BEPD credit for the contract participation of DBE/MBE/WBE/BEPDs which are not performing a commercially useful function

- Failing to pay any judgment or other adjudicated debt owed to the City

- Failing to defend, indemnify or hold harmless the City pursuant to a contractual obligation
What are causes for the debarment of City contractors, subcontractors and suppliers? (Cont.)

- Founding, establishing or operating an entity in a manner to evade City, State, County and federal statutes, rules or regulations

- Improper conduct

- Any other cause so serious or compelling in nature that it affects the responsibility of the vendor

- Debarment by any other government agency
Retaliation

Retaliation against any person who makes a report concerning potential violations of the CDA Code of Conduct or cooperates with or assists the City of Chicago and/or CDA in enforcing this Code of Conduct is expressly forbidden. The City prohibits retaliation against any person who in good faith asserts his or her rights by opposing discriminatory practices in the workplace; complaining about prohibited conduct; or complaining to, cooperating with or assisting in resolving a complaint of discrimination.

What do I need to know?

- CDA will not accept any retaliatory or negative actions against its employees, contractors or subcontractors, including DBE/MBE/WBEs, who raise legitimate compliance concerns in good faith in connection with this Code of Conduct and/or a City contract.
- If any retaliatory action is taken against a CDA employee, the employee may be entitled to: reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position; two times the amount of back pay; and reinstatement of full fringe benefits and seniority rights. The employee or other persons may also be entitled to reconsideration of a City permit, license, certification, loan, grant, tax credit, other financial subsidy or City service denied or revoked.

What type of actions could be considered retaliatory?

- Reprimand, discharge, suspension, demotion or denial of promotion or transfer of an employee.
- Denial or revocation of any City permit, license, certification, loan, grant, tax credit or financial subsidy, the denial of any City service or the denial of City employment for which a person is qualified.
Upholding these Standards

In order for CDA to continue to fulfill its core mission and achieve its goals as a global leader, each of our employees and vendors must be fully committed to high professional and business standards at all times. We must each learn, understand and comply with our Code of Conduct. It is the central guide regarding our core values, vision and standards of conduct. Complying with our Code of Conduct is about creating an environment where we all do our best work and are proud of the work we do, the challenges we overcome and the successes we achieve together – all because we do these things fairly, legally and with integrity.

What do I need to do?

- You are expected to uphold the standards in the CDA Code of Conduct
- Read, understand and comply with the Code of Conduct, and related City laws, regulations and policies
- Be committed to the highest standards of professionalism, trust, ethics, and responsibility at all times during the performance of your responsibilities for the City of Chicago and CDA
- Foster an working environment of diversity and inclusion which values the participation and work of all of our employees, contractors and subcontractors
- Speak up when you see possible violations of the Code of Conduct, City laws, and other legal and regulatory requirements
- Don’t hesitate to consult with your supervisor or the appropriate persons if you have any questions or concerns
- Be truthful and cooperate fully in any investigations. Do not conceal information or destroy documents
- Participate in training on the Code of Conduct, and attest that you understand and commit to comply with it

Who are CDA’s leadership point of contacts regarding the Code of Conduct?

**Jamie L. Rhee**
Commissioner
Chicago Department of Aviation
Jamie.Rhee1@cityofchicago.org
(773) 686-8060

**Elizabeth Granados-Perez**
Managing Deputy Commissioner
Chicago Department of Aviation
Elizabeth.Granados-Perez@cityofchicago.org
(773) 686-3731
(773) 686-0627

*CDA reserves the right to amend, alter or terminate this Code of Conduct at any time and for any reason*