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## Purchasing and Business Services Manual (PUR)

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Effective: 4/17/2008

Revised: 3/1/2010

### **ASU** PUR 211: Values-Based Standard for Business Relationships

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#### **Purpose**

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To establish a policy for the procurement of services from contractors who make reasonable efforts to implement and adhere to the values-based standard in this document

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#### **Source**

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University policy

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#### **Applicability**

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All university agency/orgs

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#### **Background**

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Arizona State University ("ASU" or "university") is a public institution established under the Arizona Constitution and governed by the Arizona Board of Regents (ABOR). ASU is subject to Arizona Board of Regents' policy and applicable federal and State of Arizona rules, regulations, and laws.

As a public institution, ASU has responsibilities to its stakeholders, including the taxpayer citizens of Arizona, the students we educate, and the faculty who teach them. As a general guiding business principle and in accordance with ABOR procurement policy, ASU believes that its business is best conducted in a free-market environment where goods and services are obtained through open competition to satisfy specific price-performance objectives.

ASU also recognizes the obligation it has to the community beyond its institutional boundaries and the opportunity presented by its ability to influence public policy, economic development and business practices. In articulating its vision for "the New American University," we have incorporated design elements that include societal transformation, with emphasis on the individual and social embeddedness. Implicit in these design imperatives is the recognition that Arizona State University will make a positive impact on the educational, economic, cultural, and societal development of our region.

The substance of a university cannot be measured by bricks or mortar or even its financial health, but by the quality of people who teach, study, conduct research, and provide services in support of the institutional mission, and the contribution they make to our community.

ASU seeks to act responsibly in the treatment of its faculty and staff. That includes making reasonable efforts to provide a safe and secure working environment, providing opportunities for growth and development, and compensation and benefits that are competitive with other academic institutions and our local market.

Some of the service and support functions that are essential to the daily functioning of the university are provided by outside contractors who perform jobs that are often unrecognized and under-appreciated by the people they serve. ASU may not set wage rates for suppliers providing goods or services to the university, nor may ASU engage in any activity in support of a collective bargaining unit or interfere with a contractor's internal affairs, such as labor and management controversies. ASU may, however, establish a set of principles in support of economic and social opportunity for the employees of service providers that have an ongoing presence on our campuses to guide the procurement of goods and services. We can encourage equal opportunity at all levels of employment and encourage training opportunities for the purpose of improving the quality of life for individual workers, their families, and their neighborhood communities. Therefore, within the laws that govern our business practices, ASU will seek business relationships with companies who work in support of the following principles:

1. Promote equal opportunity for all employees in the company.
2. Respect employees' voluntary freedom of association.
3. Provide a compensation system that is sensitive to a competitive marketplace while enabling employees to meet basic needs, which include food, housing, health care, transportation, and educational opportunity.
4. Provide employees with opportunities to improve skills in order to raise social and economic well-being.
5. Provide a safe working environment.

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## Policy

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### Application

It is our intent that all contractors providing services to the university make reasonable efforts to implement and adhere to the principles articulated above. The university will formally incorporate these principles in procurement solicitations and the evaluation process for any service contract where:

1. the university estimates that the contractor will employ at least 10 service workers whose principal place of work will be at an ASU campus and
2. the term of the agreement is one year or more.

### Mandatory Provisions

Contractors responding to solicitations for services that meet these threshold requirements shall be required to adhere to the following *Mandatory Provisions* as a matter of contract.

#### Nondiscrimination and Affirmative Action

Vendors shall employ individuals on the basis of their ability to do the work required. Vendors shall not subject any person to discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination, or retirement, on the basis of race, sex, gender identity, color, religion, citizenship, national origin, ethnic, origin, age, disability, marital status, Vietnam-era veteran status or other protected veteran status, newly separated veteran status, special disabled veteran status, sexual orientation, political opinion, or organizational membership.

Each vendor shall be an equal employment opportunity employer and during the performance of any contract or agreement with the university shall comply, if applicable, with federal *Executive Order 11246*, as amended, and the *Rehabilitation Act of 1973*, as amended. Equal employment opportunity includes but is not limited to: recruitment, hiring, promotion, termination, compensation, benefits, and transfers.

#### Freedom of Association and Collective Bargaining

Vendors shall recognize and respect the rights of employees protected by the *National Labor Relations Act*, as amended, or such other labor relations laws as may be applicable.

#### Immigration Law

Vendors shall comply with all applicable state and federal immigration laws.

#### Labor Standards: Wages, Hours, Leaves, and Child Labor

Vendors shall recognize and respect the legal rights of employees concerning minimum and prevailing wages, wage payments, and maximum hours and overtime; legally mandated family, childbirth, and medical leaves and return to work thereafter; and limitation on child labor; including, if applicable, the rights set forth in the federal *Fair Labor Standards Act*, the federal *Davis-Bacon Act*, the federal *Family and Medical Leave Act*, and any state laws defining such labor standards.

#### Health and Safety

Vendors shall provide a safe and healthful working environment to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or resulting from the operation of the vendors' facilities. During the performance of any Agreement, all products, services, use of equipment, working condition, employee training or licensing requirements, and activities performed by the vendor or the vendor's subcontractors shall be in full compliance, if applicable, with the federal *Occupational Safety and Health Act (OSHA)*, and all other applicable federal, state, and local laws, rules, regulations, and ordinances, including but not limited to the environmental safety and health requirements set forth in *29 Code of Federal Regulations (CFR)*, *40 CFR*, and *49 CFR*.

#### Forced Labor

Vendors shall not use, or purchase supplies or materials that are produced by using any illegal form of forced labor.

#### Harassment or Abuse

No employee shall be subject to any physical, sexual, psychological, or verbal harassment or abuse. Vendors shall not use or tolerate any form of corporal punishment.

#### **Controlled Substances**

All vendors must prohibit the use, possession, distribution, and/or sale of illegal drugs while on university-owned or -leased property.

#### **Weapons Policy**

The university prohibits the use, possession, display, or storage of any weapon, explosive device, or fireworks on all land and buildings owned, leased, or under the control of the university or its affiliated or related entities, in all university residential facilities (whether managed by the university or another entity), in all university vehicles, and at all university or university-affiliate sponsored events and activities, except as provided in § 12-781 of the Arizona Revised Statutes or unless written permission is given by the ASU Police Department (ASU PD). Notification by vendors to all persons or entities who are employees, officers, subcontractors, consultants, agents, guests, invitees, or licensees of vendor (Vendor Parties) of this policy is a condition and requirement of the contract. Vendor further agrees to enforce this contractual requirement against all Vendor Parties.

### **Preferred Provisions**

The university may establish reasonable performance objectives for suppliers that are consistent with its values, and may incorporate these objectives when establishing evaluation criteria. Preferential treatment in evaluation and award decisions shall be given to contractors who endeavor to adhere to the following *Preferred Provisions*.

#### **Wages and Benefits**

1. Vendors are encouraged to pay each on-campus employee a wage that is the highest of:
  - a. the legal minimum wage
  - b. the prevailing wage for that industry in the state or region
  - c. the wage that is comparable to the wage paid by the university for similar types of workor
  - d. a wage that enables employees to meet basic needs, including food, housing, health care, transportation and educational opportunity.
2. In the interest of Arizona taxpayers, vendors should aspire to provide compensation in the form of wages and benefits that do not force employees to depend upon publicly funded social services.

#### **Environmental Responsibility**

Safeguarding the environment for the benefit of all peoples now and in the future is a matter of increasing concern in the academic community as well as in society generally. Vendors shall make every effort to demonstrate environmentally responsible practices and production methods, and meet well-established certification standards. This would include minimization of waste products, use of postconsumer recycled materials, energy efficiency, and the durability, biodegradability, and reparability of the products received from the vendor by the university.

#### **Employee Education and Training**

Vendors shall provide a working environment that encourages workers to take advantage of educational enhancement opportunities at the university or elsewhere. Employers are encouraged to allow flexibility in work schedules to accommodate those workers who wish to pursue programs of study that may interfere with regular work hours. Employers are encouraged to maintain company-sponsored scholarship, paid leave, or tuition support programs and reduce financial barriers to attaining education. Training programs should promote competency in current employee jobs and should seek to provide training in skill sets required for promotion to a higher level position, including English-language training programs.

#### **Nondiscrimination**

Vendors shall not subject any person to discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination, or retirement on the basis of the individual's reproductive or familial circumstances. Vendors shall accommodate the language requirements of their employees to the greatest extent practicable.

#### **Grievance Process**

Every employee shall be treated with dignity and respect. Conflicts between employees and employers should be reconciled as amicably and transparently as possible, without the use of coercion or intimidation. Employees should have the right to express opinions or report complaints as they see fit without retaliation or the threat of reprisal.

Vendors are encouraged to have a process in place whereby employees may register specific complaints about the employment practices of that vendor and, if practicable, to do so in the employee's primary language. If possible, the complainant's identity should be confidential.

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### **Procedure**

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For applicable procurement actions, Purchasing and Business Services shall include in the solicitation the requirement that the supplier adhere to the Mandatory Provisions. Purchasing and Business Services will also include the Preferred Provisions outlined above. Prospective suppliers will be asked to confirm their intent to enter into an agreement that incorporates the *Mandatory Provisions*, and shall be asked to address each of the *Preferred Provisions* in sufficient detail that the university is able to assess the degree of compliance.

*Preferred Provisions* may be assessed as part of the evaluation criteria established for the solicitation. The relative importance of the *Preferred Provisions* shall be determined for each solicitation by the university official responsible for administration of the specific program in consultation with the university procurement officer.

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