

POLICY GIFTS AND GRATUITIES	Document Number:	Version Number:	Date:
	555.002	1	1/1/2026

1.0 Purpose:

The purpose of this policy is to maintain the integrity, impartiality, and professionalism of Santa Clara Valley Transportation Authority (“VTA” or “Agency”) employees, Contractors/consultants, interns, volunteers, and appointed officials of VTA (collectively referred to as “Personnel”) by providing guidelines regarding the acceptance of gifts and gratuities from external parties, including Contractors, vendors, and members of the public. The purpose of this policy is also to make available to VTA Contractors and vendors, VTA’s policy on acceptance of gifts and gratuities, to enlist their support and responsibility in Personnel maintaining their integrity, impartiality, and professionalism.

The giving or receiving of gratuities involving Personnel and Restricted Sources (see definition below), or when representing the Agency at any type of meeting, function or event, is always potentially controversial and must be guided by sound judgment and common sense. Exchanges of gifts or favors could damage the public's perception of the Agency as providing fair and impartial service to all members of the public.

2.0 Scope:

This policy applies to all VTA Personnel employees, its Contractors/consultants, interns, volunteers, and appointed officials of VTA (collectively referred to as “Personnel”) and Restricted Sources.

3.0 Responsibilities:

All Personnel are responsible for adhering to this policy.

All Personnel are required to read this policy and acknowledge their understanding and compliance annually.

VTA’s Procurement, Contracts, and Business Development and Talent Development departments will provide or make available Gifts and Gratuities training to Personnel every two years.

4.0 Policy:

Except as provided in Section 4.1 below, Personnel shall not solicit or accept any gifts, gratuities, favors, donations, or anything of monetary value from Restricted Sources.

4.1. Exceptions to the Policy include:

- Informational Materials such as a book, pamphlet, or report provided by a speaker at a conference or meeting. The material must be for informational purposes only and of token value as defined in Definitions below (e.g., it cannot be a first edition book with significant value);
- Item of token value such as pens, mugs, etc. handed out at conferences or booths, which are offered to the general public or all attendees equally;

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- Plaques and Awards, usually a recognition plaque awarded for public service or speaking at a public event;
- Shared Meals in Official Capacity, provided by a Restricted Source if a reasonable person would view the meal as a normal part of professional interaction *and*:
 - The meal is incidental to a larger public, industry, or educational event; and
 - The meal value and setting are consistent with ordinary business-meal or per-diem standards, and not lavish, entertainment-oriented, or exclusive.
- When having a meal with representatives of a business firm, non-profit organization or individual that does business with the Agency or whose activities are regulated by the Agency, employees must pay for their share of the cost.
- Free Attendance at Public or Ceremonial Events, such as ribbon-cutting, awards ceremony, or cultural event, attended by Personnel in their official role without preferential treatment;
- Attendance at a company's open house or company event, if it is open to all of their clients and not restricted to you or the Agency, so long as the employee is guided by sound judgment and common sense.
- A meal and/or other reasonable expenses provided by another public agency when working with staff of that organization as a representative of the Agency such as serving on a review board.
- *Anonymous Gifts:* There may be circumstances in which a gift is given anonymously or in such a way that it is difficult to return. In these circumstances, the gifts should immediately be called to the attention of the employee's supervisor and, where feasible, donated to a non-profit charitable organization, or shared with all members of the department or departments. The following information is to be documented regarding the anonymous gift: date received; description of item; approximate value; how it was handled or disposed. Anonymous gifts are never to be used for individual's personal benefit.

4.2. Prohibited Conduct

The following conduct is strictly prohibited without exceptions:

- 1) Accepting or offering bribes. Bribes are anything of value given with the intent to influence an official act or decision.
- 2) Accepting cash, checks, gifts cards or prepaid debit cards from Restricted Sources, even if of low value
- 3) Solicit or encourage gifts or donations from individuals or entities that do business with VTA.
- 4) Use your title, influence, or position to secure personal benefits for yourself or others.

4.3 Disciplinary Action

Violations of this policy may result in disciplinary action, including termination, referral to law enforcement, or civil penalties under applicable law.

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5.0 Definitions:

- 5.1 **Contractors/consultant:** An entity who has entered into a contract with VTA for compensation and their members, employees, and agents.
- 5.2 **Gift:** Any payment, benefit, item, or service of value that confers a personal benefit on the recipient when no equal or greater consideration is provided in return. Examples include meals, drinks, entertainment, tickets to concerts, sporting events or shows, gift baskets, flowers, holiday presents, discounts not available to the public.

Consideration: A payment or action of equal or greater value provided in exchange for goods or services. Without valid consideration, anything of value is treated as a gift.
- 5.3 **Gratuity:** A voluntary tip, honorarium, or gift, often given as a token of appreciation.
- 5.4 **Personnel:** VTA employees, Contractors/consultants, interns, and volunteers.
- 5.5 **Restricted Source:** Any individual or entity that:
 - Does business with VTA
 - Seeks to do business with VTA
 - Is regulated or overseen by VTA
 - Has interests that may be affected by the Personnel’s official duties
- 5.6 **Token value:** Where the financial value is considered, by a reasonable person, as insubstantial or insignificant, but in no event shall the value exceed the threshold amount of \$50 (the “nominal intrinsic value”) provided in VTA Administrative Code Section 2-69(h).

6.0 Summary of Changes:

- Expanded application of policy from only employees to Personnel (as defined herein);
- Policy, Exceptions and strictly Prohibited Conduct are more clearly described and expressly stated in and under “Policy”;
- Added training responsibilities;
- Defined: Contractors/consultant, Gifts, Consideration, Gratuity, Personnel and Restricted Source.

7.0 Approval Information:

- Prepared by: Nicole Chapman, Director of Procurement, Contracts & Business Development
- Reviewed by: VTA Legal, Talent Development
- Approved by: Carolyn Gonot, General Manager