

CAPA 2015 Ethics Training Questions

1. A competitor calls and tells you that a mutual customer has not paid his bills for two months. The competitor tells you he just turned the customer away and believes the customer will be coming to try to purchase mix from you. The competitor suggests you do not sell the customer any asphalt. You are aware that the customer has a good credit history with your company. You should:
 - A. Tell the competitor that you cannot turn the customer away as that is an antitrust violation.
 - B. Turn the customer away if he comes to buy mix from you.
 - C. Sell the customer mix on credit.
 - D. Only sell the customer mix if he pays cash or certified check.

2. A DBE subcontractor is not keeping up with the schedule for his work. The subcontractor has adequate labor but his equipment keeps breaking down. If you do not do something you will be in liquidated damages. You provide the subcontractor with additional equipment, charge him rent on the equipment and he gets back on schedule and finishes the job. You report the entire amount of work as DBE subcontractor items. You have:
 - A. Been an effective DBE mentor.
 - B. Reported the work improperly and should immediately correct the error.
 - C. Made a good business decision.
 - D. Done nothing wrong.

3. A DOT inspector tells you that a drop inlet has been left off the plans and one must be added. He does not want to do a supplemental agreement and suggests he will increase the pay amount on the next load of asphalt by a few tons to compensate you for the drop inlet. The pay amount will equal the cost for the drop inlet. The inspector has been difficult to work with and you do not want to make him angry. You should:
 - A. Do as the inspector suggests since the price is the same.
 - B. Agree to do as he asks if he will give you something in writing.
 - C. Do as he asks and make a note of the "deal" in your diary.
 - D. Tell him you can't do it this way and must have a supplemental agreement.

4. A subcontractor that you routinely work with calls you and asks if you are going to bid Project "X" in the highway letting and asks if he can send you a quote. You are not planning to bid Project "X". You should:
 - A. Tell him you are not going to bid and suggest he call your closest competitor.
 - B. Tell him yes and ask for a quote.
 - C. Tell him his question is improper and explain that you cannot discuss if you will bid or not as that is collusion.
 - D. Tell him you are undecided and suggest he send you a quote.

5. You are on vacation and discover a competitor is staying at the same resort. Prior to dinner you are enjoying a drink in the bar and he comes and sits beside you. He asks how things are going and you tell him business is tough and is getting tougher all the time. You mention that competition is fierce and note that all bids for the last year have been 10% or more below the engineer's estimate. He agrees that the market is very tough right now and suggests the industry is bringing the challenges upon themselves by bidding so low. He suggests that if everyone would just increase prices by a couple of percent everyone would be in much better shape. You should:
 - A. Continue the conversation as nothing improper has been discussed yet.
 - B. Tell him the conversation is improper and leave immediately.
 - C. Change the conversation so this topic is not discussed any more before anything is said that is wrong.
 - D. Buy him some shots and see if he will tell you his approach to pricing.

6. You are a QC technician and notice a fellow technician has made an error on documenting his test results. After reviewing the results you realize correcting the error will result in a very large penalty and possibly removal of the asphalt that has been placed for the last three days. You are confident that the error will not be discovered and you have visited the job and the asphalt looks good and has great density results. You should:
 - A. Tell the technician about his error and tell him to make sure this does not happen again.
 - B. Say nothing because the asphalt density is very good and it looks good.
 - C. Call DOT and ask for a meeting to discuss the issue.
 - D. Tell your supervisor and suggest this is ok because density and appearance of the mix are very good.

7. In the last year your closest competitor has won only three bids. You know he is in desperate need of work or he will have to lay off several crews. A subcontractor tells you that he heard that if your competitor does not get another job soon he will have to sell out. You should:
 - A. Bid low because you are sure it will force him to sell his business.
 - B. Disregard this information and bid as normal.
 - C. Call your competitor and discuss his situation and ask if you can help in any way.
 - D. Call your other closest competitor and discuss the situation with him.

8. You are working on a project and the inspector tells you about an elderly lady that lives near the project that needs her driveway paved. He tells you the driveway is very short and could be done with one truck of asphalt. When the next truck arrives he rejects the load of asphalt and gives you a wink and a nod. You come over to talk to him about the rejection and he suggests you take the asphalt to the lady's driveway. You have just started this project and know if you do not do as he says it will make things difficult. You should:
 - A. Do as he says since no one will ever know.
 - B. Call his supervisor and report the issue.
 - C. Call your supervisor and report the issue.
 - D. Tell him no and explain why this can't happen.

9. You commit DBE fraud or an antitrust or ethics violation and are now a convicted felon. Which of the following apply:
 - A. You lose your US citizenship.
 - B. You can no longer vote.
 - C. You can no longer own a firearm.
 - D. You are banned from working on public projects for life.

10. You are to turn in a bid on a very large project tomorrow and you get a call from a competitor you know is on the plan holder's list. His message says he wants to talk to you before 2pm tomorrow. You have no idea what he wants. You should:
 - A. Call him back and record the conversation.
 - B. Do not call him back until after you have turned in your bid.
 - C. Call him back and see what he wants.
 - D. Get someone else to call him back.

11. A very large project will be let in several months and you know that you cannot do the project alone. You believe that a competitor is in a similar situation and want to discuss bidding the project with him. You should:
- A. Have your head examined, why would you ever team with a competitor.
 - B. Give him a call and ask if he wants to bid together.
 - C. Arrange a meeting with his team and yours and have an attorney review what can and cannot be discussed so no antitrust violation occurs.
 - D. Call him and tell him you cannot bid the project without him.
12. A job is advertised and you plan to bid the job. It is a very big job and you can do the job but it would be better if you could get material from two sources. You have a competitor that is on the plan holders list. You want to call and ask him for a quote on material. Which is the best way to approach this?
- A. Tell the Division President and suggest he discuss this over a golf game or dinner.
 - B. Fax him a request for a quote.
 - C. Call him and ask for a quote.
 - D. Bid without investigating this option.
13. You are a contractor or material supplier on a DOT job. Your company is seeking to fill an open position and you believe a certain DOT employee is the perfect fit for the position and you want to discuss this with them. This employee routinely makes decisions that affect payment and/or claim outcomes. You should:
- A. Just ask them on the job.
 - B. You have their mobile number, so just call them after work.
 - C. Invite them to your office and discuss it then.
 - D. Write them a letter and ask if they would like to discuss the matter.
14. You are a contractor or material supplier and you increase your price due to lack of competition. You have just:
- A. Done a good job for the company.
 - B. Committed an antitrust violation.

15. You have just finished a project that had numerous overruns, utility conflicts and plan errors. You are filing a final claim because you believe you are due additional time and compensation related to the overruns, utility conflicts and plan errors. You have compiled the claim and determined the cost and time impact for each issue. Before you submit the claim you decide to inflate the numbers for cost and time slightly because you believe the DOT will negotiate you down from where ever you begin. In inflating the numbers you have just:
- A. Produced a false claim and can go to jail for that.
 - B. Have made a reasonable business decision.
 - C. Done nothing wrong with respect to inflating the time request.
 - D. Done nothing wrong because there is some degree of subjectivity to determining impacts.
16. You are a subcontractor or a material supplier and you want to supply quotes to plan holders on an upcoming DOT job. You review the plan holders list and send quotes to all plan holders. Circle all acceptable quotes:
- A. You send all plan holders the same quote.
 - B. You send the plan holders you have worked with in the past one quote and increase the other quotes by 3% because you don't know them and think it may take more of your time when working with them.
 - C. You send one plan holder one price and all other plan holders and inflated price.
 - D. You only send quotes to the plan holders you choose.
17. You find yourself in the middle of something that may be an ethics violation and are not sure what to do. You should:
- A. Stop and remove yourself from the situation.
 - B. Ask your supervisor.
 - C. Ask the company Attorney.
 - D. Ask DOT OIG.