

Purchasing and Contracting: Procurement Staff Code of Conduct

Conflict of Interest

All employees of RSU #22 shall perform their duties in a manner free from conflict of interest to assure the proper performance of school business as well as to earn and keep public confidence.

No employee, **officer or agent** of RSU #22 with a real or apparent conflict of interest in a proposed transaction shall participate in the selection, award or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest.

Conflict of interest is defined as when an interested party has a financial interest in the firm selected for the award. Interested party is defined as 1) the employee; 2) a member of the employee's immediate family (spouse, son, daughter, parent, brother, sister); 3) his/her partner; or 4) an organization that employs, or is about to employ a person described above.

For the purpose of this policy, "immediate family" is defined as spouse, brother, sister, parent, son or daughter.

Conflict of Interest Disclosure

All employees with real or apparent conflicts of interest as defined above must disclose the conflict of interest to the Superintendent of Schools who will investigate the circumstances of the transaction and if necessary, will make reasonable efforts to find alternatives to the proposed transaction or arrangement that would not give rise to a conflict of interest. If the Superintendent of Schools determines that the proposed transaction is in the best interest of RSU #22 and is fair and reasonable, it may proceed with the transaction as approved by the Board of Directors. In the event that the Superintendent of Schools may have a conflict of interest, an adjunct committee of the Board of Directors shall investigate and make a determination regarding the transaction.

Staff Gifts and Solicitations

Employees, officers and agents of RSU #22 may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

Employees, officers and agents of the school unit may accept unsolicited items of nominal value such as those that are generally distributed by a company or organization through its public relations program.

Violations

Employees of RSU #22 who violate this code of conduct shall be subject to discipline, which may include termination of employment, and if appropriate, referral to law enforcement.

Conflict Resolution/Protests and Claims

Boards should refer to the article in the August 2017 issue of Policy Development News, titled *Purchasing and Contracting Using Federal Funds: Complying with the Uniform Grant Guidance*, to review their options for a process to address protests and claims that may arise in the procurement of property, goods or services through the use of federal awards/grants.]

Legal Reference: 34 CFR Parts 74 and 80 (Education Department General Administrative Regulations (“EDGAR”) (for federal awards made prior to 12/26/2014)
2 CFR §200.318 (Uniform Administrative Requirements – General Procurement Standards) (for federal awards made on or after 12/26/2014)

Cross Reference: DJ - Bidding/Purchasing Requirements
DJ-R – Federal Procurement Manual
BCB, Board Member Conflict of Interest
GBEA, Staff Ethics/Conflict of Interest
KCD, Public Gifts and Donations to Schools

Adopted: _____

~~Legal reference: EDGAR Part 74 Title 34 – Administration of Grants of Interest
EDGAR Part 80 Subpart C, Section 80.20, 80.36
DOE Administrative Letter 6 – 9/18/2006 – NCLB Fiscal Compliance~~

~~Cross Reference: BCB, Board Member Conflict of Interest
DJ, Purchasing
GBEA, Staff Ethics/Conflict of Interest
KCD, Public Gifts and Donations to Schools~~

Adopted: June 1, 2011, **Revised October 6, 2017**