

Policy: DJH

PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT

Conflict of Interest

All employees of MSAD#44 shall perform their duties in a manner free from conflict of interest to ensure that the school unit's business transactions are made in compliance with applicable laws and regulations and in a manner that maintains public confidence in the schools.

No employee, officer, or agent of MSAD#44 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 in the transaction.

A conflict of interest would arise when the employee, officer, or agent—or any member of his/her immediate family, his/her (business) partner, or an organization that employs or is about to employ any of these parties—has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. For the purpose of this policy, “immediate family” is defined as spouse, brother, sister, parent, son or daughter.

Conflict of Interest Disclosure

All employees, officers, or agents with real or apparent conflicts of interest as defined above must disclose the conflict of interest to the Superintendent who will investigate the circumstances of the proposed transaction. The Superintendent will exercise due diligence in investigating 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 determines that the proposed transaction is in the best interest of MSAD#44 and is fair and reasonable, he/she may proceed with the transaction. In the event that the Superintendent may have a conflict of interest, an ad hoc subcommittee of the Board will investigate and make a determination regarding the transaction.

Gifts and Solicitations

MSAD#44 employees, officers, and agents may not solicit nor accept gratuities, favors, money or things of material value from persons or entities doing business with, or desiring to do business with, the school unit. Employees, officers, and agents 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 MSAD#44 who violate this code of conduct may be subject to discipline, up to and including termination of employment and, if appropriate, referral to law enforcement.

Dispute Resolution

Disputes arising from a procurement or contract funded by a federal award will be resolved in accordance with the MSAD#44 Federal Procurement Manual. Otherwise, a bidder or respondent

to a request for a proposal (RFP) may protest a procurement or contract award if he/she believes that it was made in a manner inconsistent with Board policy, specifications, or law or regulations. A protest must be submitted to the Superintendent in writing within five business days after receipt of notification of the award being made, with all documents supporting the protest.

The Superintendent shall review the protest and supporting documents and render a decision in writing within 20 business days of receipt of the protest. The Superintendent may also convene a meeting with the bidder or respondent to attempt to resolve the problem.

If the bidder or respondent is not satisfied with the Superintendent's decision, he/she may appeal to the Board. The Superintendent will provide reasonable notice to the bidder or respondent of the time for the Board's consideration of the protest. The Board's decision shall be final.

Legal Reference: 34 CFR 74.40-74.48; 80.36 (Education Department General Administrative Regulations (EDGAR))
Commissioner's Administrative Letter No. 6, June 18, 2006 (Fiscal Compliance)
2 CFR § 200.318 (Uniform Administrative Requirements—General Procurement Standards)

Cross Reference: BCB - Board Member Conflict of Interest
DJ - Bidding/Purchasing Requirements
DJ-R – Federal Procurement Manual
GBI - Staff Gifts and Solicitations
KHC - Public Gifts/Donations to the Schools

Adopted: January 9, 2012

Amended Effective: October 14, 2020