

PURCHASING AND CONTRACTING: PROCUREMENT
STAFF CODE OF CONDUCT

Conflict of Interest

All employees of **RSU #34** 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 the school unit may participate in the selection, award or administration of a contract supported by federal awards or in any other transaction in which the school unit is a party 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 partner, or an organization which employs or is about to employ any of these parties indicated herein - 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 the school unit 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

The employees, officers, and agents of the school unit 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 **RSU34** 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 Resolutions

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 and 80.36 (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: BCB - Board Member Conflict of Interest

DJ – Bidding/Purchasing Procedures

DJ-R – Federal Procurement Manual (Copies available from the Superintendent's Office)

GCB – Conflict of Interest
KCD - Public Gifts/Donations to the Schools

First Reading: May 17, 2017

Adopted: June 21, 2017

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.