

Purchasing and Contracting: Procurement Staff Code of Conduct

All District employees shall perform their duties in a manner free from conflict of interest to assure the proper performance of District business as well as maintain public confidence.

Conflict of Interest

No employee, **officer, or agent of the school district may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** ~~with a real or apparent conflict of interest in a proposed transaction shall participate in the selection, award or administration of a contract pursuant to the contract.~~

A conflict of interest would arise when the employee, officer, or agent – or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein – has a financial or other interest in a tangible personal benefit from a firm considered for a contract.

For the purposes of this policy, “immediate family” is defined as a spouse, brother, sister, parent, son, or daughter.

~~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;~~
- ~~3. his/her partner;~~
- ~~4. an organization that employs, has employed or is about to employ any person described above.~~

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 of Schools, who will investigate the circumstances of the **proposed conflict of interest.** The Superintendent will exercise due diligence in investigating the circumstances of the conflict and, if necessary, will make reasonable efforts to find alternatives to the proposed transaction or arrangement that would not give rise to conflict of interest. If the Superintendent determines that the transaction is in the best interest of the District **and is fair and reasonable, he or she may proceed with the transaction.** In the event that the Superintendent may have a conflict of interest, **an ad** committee of the Board of Directors will investigate and make a determination regarding the transaction.

Gifts and Solicitations

The employees, officers, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Employees, officers, and agents of the District 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 the District 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.

Legal References: 34 CFR Parts Part 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)

**DJ – Bidding/Purchasing Procedures
DJ-R – Federal Procurement Manual**

Adopted: September 15, 2009

Revised: **June 19, 2017**