

CODE OF CONDUCT GOVERNING PROCUREMENTS UNDER A FEDERAL AWARD 3220

In compliance with Code of Federal Regulations 2 C.F.R. § 200.318

[Federal law requires non-Federal entities, including school districts, that receive Federal funds to develop and implement a written code of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and/or administration of Federally funded contracts. This means that, in all applicable cases, property and/or services purchased with Federal awards, including Connecticut School Nutrition Program funds, must be purchased in accordance with a written code of conduct. Federal law also requires that the school district's code of conduct provide for disciplinary actions to be taken for violating the standards set forth in its code of conduct. This document provides a sample code of conduct that complies with 2 C.F.R. § 200.318 and outlines proper practices for procuring property and services under a Federal award with fairness and integrity.]

In accordance with Federal and State regulations, the following Code of Conduct applies to the selection, award, and/or administration of a contract procuring property or services under a Federal award, including the expenditure of Connecticut School Nutrition Program ("School Nutrition Program") funds by any Meriden Board of Education ("Board") employee or agent.

Article I. Purpose

The purpose of this Code of Conduct is to establish standards of conduct covering real or apparent conflicts of interest and governing the actions of Board employees engaged in the selection, award, and/or administration of contracts procuring property or services under a Federal award, including expending School Nutrition Program funds on goods and/or services. This Code of Conduct also sets forth discipline that may result from violating these standards.

Article II. Code of Conduct Provisions

In addition to other applicable policies and regulations promulgated by the Board, the Board expects the following conduct of all persons who are engaged in the award and administration of contracts supported by Federal funds, including School Nutrition Program funds:

1. No employee, officer, or agent of the Board shall participate in the selection, award and/or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in, or a tangible personal benefit from, the firm selected for the award:
 - a. The employee, officer, or agent of the Board;
 - b. Any immediate family member of the Board employee, officer, or agent (spouse, sibling, parent, child);
 - c. The partner of the Board employee, officer, or agent; or
 - d. An organization that employs or is about to employ one of the above.
2. The Board's employees, officers, or agents shall neither solicit nor accept gratuities, favors, travel packages, incentives or anything of monetary value from contractors, potential contractors, or parties to sub-agreements related to programs funded by the Federal government, in whole or in part. In determining whether an item is a permissible gratuity or of monetary value, the definition of "gratuity" shall be anything in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
3. The Board's employees, officers, or agents shall disclose any actual or potential conflict of interest to the Superintendent of Schools or his/her designee. Thereafter, as required by law, the Board shall disclose in writing any potential conflict of interest to the Connecticut State Department of Education.

Failure of any Board employee to abide by this code of conduct may result in disciplinary action, up to and including termination. The Board reserves the right to pursue legal actions for violations as permitted by law.

Legal References:

Federal Regulations and Guidance

- 2 C.F.R. § 200.112 Conflict of Interest.
- 2 C.F.R. § 200.318 General Procurement Standards.
- 2 C.F.R. § 400.2 Conflict of Interest.

United States Department of Agriculture, Contracting with Food Service Management Companies: Guidance for School Food Authorities, https://fns-prod.azureedge.net/sites/default/files/cn/SP40_CACFP12_SFSP14-2016a2.pdf (May 2016).

United States Department of Agriculture, Contracting with Food Service Management Companies: Guidance for State Agencies, https://fns-prod.azureedge.net/sites/default/files/cn/SP40_CACFP12_SFSP14-2016a1.pdf (May 2016).

United States Department of Agriculture, Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts, SP 09-2015, CACFP 03-2015, SFSP 02-2015, https://fns-prod.azureedge.net/sites/default/files/cn/SP09_CACFP%2003_SFSP02-2015os.pdf (November 2014).

Connecticut Statutes, Regulations and Guidance

- Conn. Gen. Stat. § 1-79 Definitions.
- Conn. Gen. Stat. § 10-215 Lunches, breakfasts and other feeding programs for public school children and employees.
- Conn. Gen. Stat. § 10-215b Duties of State Board of Education re feeding programs.
- Conn. Gen. Stat. § 10-216 Payment of expenses.
- Regs. Conn. State. Agencies § 10-215b-1 Competitive foods.

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2016/OM10-16.pdf> (August 2016).

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Previous Policy Number: