

## **PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT**

The following policy applies to all purchasing and contracting, including general funds, State grants and funds and Federal grants and funds.

### **Conflict of Interest**

All employees of SAD 59 shall perform their duties in a manner free from conflict of interest to ensure the school unit's business transactions are made in compliance with applicable laws and regulations and in a manner maintaining public confidence in the schools.

No employee of SAD 59 shall participate in selection, award, or administration of a contract supported by federal funds or in any other transaction in which the school unit is a party if he/she has a real or apparent conflict of interest.

A conflict of interest would arise when the employee or any other member of his/her immediate family, his/her partner, or organization employing or planning to employ any of these parties has a financial or other interest in the firm selected for the award. For the purposes 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 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 not giving rise to a conflict of interest. If the Superintendent determines the proposed transaction is in the best interest of SAD 59 and is fair and reasonable, he/she may proceed with the transaction. In the event the Superintendent may have a conflict of interest, an ad hoc subcommittee of the Board will investigate and make a transaction determination.

### **Staff Gifts and Solicitations**

SAD 59 employees are prohibited from accepting money or items of material value from persons or entities doing business with, or desiring to do business with the school unit. Employees may accept unsolicited items of nominal value such as those that are generally distributed by a company or organization through public relations programs.

### **Violations**

Employees of SAD 59 who violate this code may be subject to discipline, up to and including termination of employment and, if appropriate, referral to law enforcement.

## Dispute Resolution

A bidder or respondent to a request for proposal (RFP) may protest a procurement or contract award if he/she believes it was made in a manner inconsistent with Board policy, specifications, or law or regulation. A protest must be submitted to the Superintendent in writing within five (5) 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 twenty (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 complaint.

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

Adopted: July 21, 2014  
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