

EXHIBIT C

Sample Policy DJH

If school unit does not have a Policy DJH:

The School Board should adopt this sample policy in whole, or at the least, the provisions indicated as “Required Provision.”

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

Conflict of Interest

[Recommended Provision, not a Required Provision:]

All employees of the school unit shall perform their duties in a manner free from conflicts 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.

[Required Provision:]

No employee, officer, or agent of the school unit 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.

[Required Provision:]

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 or a tangible personal benefit from a firm considered for a contract.

[Recommended Provision, not a Required Provision:]

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

Conflict of Interest Disclosure

[Recommended Provision, not a Required Provision:]

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 or she may proceed with the transaction. In the event that the Superintendent may have a conflict of interest, an ad hoc subcommittee of the School Board will investigate and make a determination regarding the transaction.

Gifts and Solicitations

[Required Provision:]

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.

[A school unit may establish its own standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. Recommended Provision, not a Required Provision:]

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

[The policy must provide for disciplinary actions to be applied for violations of the policy by officers, employees, or agents of the school unit. Recommended form for this Required Provision:]

Employees of the school unit 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

The Uniform Grant Guidance requires school units to have a process for dispute resolution, but do not specify any particular procedure. Many school units have placed their process for dispute resolution in their existing Policy DJH. It is not obvious that Dispute Resolution is best

placed in Policy DJH, however, which covers conflicts of interest. For that reason, we opted instead to include a dispute resolution provision in Section G (“Protests and Claims”) of the Federal Procurement Manual (Exhibit B). Your choices will be twofold, first, whether to use the dispute resolution provision as contained in Exhibit B, Section G, or whether to use your current dispute resolution provision, and, second, whether to place the dispute resolution provision here in DJH (where many of you have it currently), or in the Federal Procurement Manual (where we placed it), or whether to move it to Policy DJ.

What might be simplest, if you have an existing dispute resolution provision in your current Policy DJH, is to decide whether you prefer your version or the version we have used in the Manual, then decide whether you prefer it to be located in DJH or the Manual, then to either delete the provision from your DJH (by amendment) and retain the preferred version in the Manual provision, or vice versa. This will leave you with a dispute resolution provision in either DJH or the Manual, but not in both places.

Based on the foregoing, compare the Dispute Resolution provision of the Exhibit B Manual with the provision, if any, in your existing Policy DJH, and decide which provision you prefer. Then, as necessary, either add the preferred version of the Dispute Resolution here in DJH (amending the existing version as necessary) and delete the Dispute Resolution provision from the Exhibit B Manual; or retain preferred version in the Exhibit B Manual and, as necessary delete provision from DJH]

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[The policy should include a legal reference to the Uniform Grant Guidance. Recommended language:]

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

Adopted: _____

Amended: _____