

**MSAD #37 POLICY
PURCHASING AND CONTRACTING: PROCUREMENT
STAFF CODE OF CONDUCT**

Conflict of Interest

All employees of SAD #37 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 or agent of SAD #37 shall participate in the 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 in the transaction.

A conflict of interest would arise when the employee or any member of his/her immediate family, his/her (business) partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in the firm selected for the award. For the purpose 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 that would not give rise to a conflict of interest. If the Superintendent determines that the proposed transaction is in the best interest of SAD #37 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.

Staff Gifts and Solicitations

SAD #37 employees, officials, or agents are prohibited from soliciting or accepting money or things 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 its public relations program.

Violations

Employees of SAD #37 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.

Should a protest be made, the district will follow the procedures for “Protests and Claims” as outlined in the Federal Procurement Manual (DJ-R),

Legal Reference: 34 CFR 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
DJ-R Federal Procurement Manual for Maine School Systems
DJE - Bidding

Adopted: May 19, 2010

Revised: June 28, 2023