

RSU 16 (Mechanic Falls, Minot, Poland) msm/dwm ✓

Policy Code: DJH

Adopted: July 2013

Revised: ~~November 2017~~ April 2021

PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT

Conflict of Interest

All employees of RSU 16 shall perform their duties in a manner free from conflict of interest to ensure that the RSU 16'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, officer, or agent of RSU 16 shall participate in the selection, award or administration of a contract supported by federal funds or in any other transaction in which the RSU 16 is a party if they have a real or apparent conflict of interest in the transaction.

A conflict of interest would arise when the employee, officer, or agent or any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal benefit from 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, 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 RSU 16 and is fair and reasonable, they 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

RSU 16 employees, officers, or agents are prohibited from soliciting or accepting gratuities, favors or anything of monetary value from contractors or parties to subcontractors. 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, officers, or agents of RSU 16 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.

Conflict Resolution/Protests and Claims ***

Disputes may be appealed to the superintendent. If the complainant is not satisfied with the decision at the superintendent level, their decision may be appealed to the RSU 16 School Board.

A bidder or respondent to a request for a proposal (RFP) may protest a procurement or contract award if they believe that it was made in a manner inconsistent with Board policy, specifications, or law or regulations. 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 20 (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 problem.

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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.

***** Boards should refer to the article in the August 2017 issue of Policy Development News, titled Purchasing and Contracting Using Federal Funds: Complying with the Uniform Grant Guidance, to review their options for a process to address protests and claims that may arise in the procurement of property, goods or services through the use of federal awards/grants.]**

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

SIGNATURE BLOCK:

RSU 16 School Board

Mary Martin, Chair

DATE

Joe Parent., Vice Chair

DATE

Amber Lyman

DATE

Arleena Stotts

DATE

James Crouse

DATE

Ed Rabasco, Jr.

DATE

Laura Hemond

DATE

Melanie Harvey

DATE

Mike Downing

DATE

Mike Lacasse

DATE

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Norm Beauparlant

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Norm Davis

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Kelsey Earle

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Steve Holbrook

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Travis Ritchie

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