

**FIRST READING: 8-25-21    ADOPTED: 9-13-21**

**CODE OF CONDUCT GOVERNING PROCUREMENTS  
UNDER A FEDERAL AWARD**

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

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 Berlin 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. 2 C.F.R. § 200.318 (c) (1) permits the Board to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. In

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determining whether an item is an impermissible gratuity or of monetary value, the definition of 'gratuity' shall be anything of more than ten dollars in 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](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](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](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.

**SERIES: 3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**3324.1**

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Regs. Conn. State. Agencies § [10-215b-1](#) Competitive foods.

State of Connecticut, Department of Education, Operational Memorandum No. 10-16, Written Code of Conduct and Performance of Employees Engaged in Award and Administration Contracts,

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

(August 2016).