

Policy Code: 6401 Ethics and the Purchasing Function

The board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.

A. Standards of Conduct

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in policies 7730, Employee Conflict of Interest, and 8305, Federal Grant Administration.

1. Employees are expected to make all purchasing related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.
2. Employees shall not participate directly or indirectly in making or administering any contract from which they will obtain a direct benefit unless an exception is allowed pursuant to law.

An employee obtains a direct benefit when the employee, employee's spouse or partner will receive income, commission, or property under the contract or the employee, spouse or partner has more than a 10 percent interest in an entity that is a party to the contract. See [G.S. 14-234](#) and policy 7730, Employee Conflict of Interest.

Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See [2 C.F.R. 200.318](#) and policy 8305, Federal Grant Administration.

A real or apparent conflict exists when the employee, employee's immediate family member or partner, or an organization which employs or is about to employ any of these individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.

5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of

reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.

6. Employees shall notify the superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.

7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law. Multiple permitted items from a single contractor may not exceed an aggregate value of \$100 in a twelve-month period.

Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

9. Employees shall not divulge confidential information to any unauthorized person. Confidential information includes, but is not limited to (1) the school system's cost estimate for any public contract, prior to bidding or completion of other competitive purchasing processes; and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, until the bids are opened in public and recorded in the board minutes.

10. An employee shall not misuse information in violation of [G.S. 14-234.1](#). Specifically, an employee shall not, in contemplation of the employee's own official action or that of the board or others acting on behalf of the school system, or in reliance on information known to the employee in their official capacity and not made public, to:

- a. acquire a financial interest in any property, transaction, or enterprise;
- b. gain a financial benefit that may be affected by the information or contemplated action; or
- c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information contemplated action.

B. Training

The superintendent or designee is responsible for ensuring that all affected employees are aware of board policy requirements and applicable laws.

As described in policy 7730, Employee Conflict of Interest, employees who are involved in the making or administering of contracts shall receive conflicts of interest training that includes position-specific education on conflicts of interest and ethical standards of conduct.

C. Violations

Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of

Interest, policy 7730, Employee Conflict of Interest, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees, who violate policy 2121, policy 7730, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: [2 C.F.R. 200.318\(c\)](#); [47 C.F.R. 54.503](#); FCC Sixth Report and Order 10-175; [G.S. 133-32, -33](#); [14-234.1, -236, -237](#); [115C-335.15](#); Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993;

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Bidders' List (policy 6441/9121), Employee Conflict of Interest (policy 7730) Federal Grant Administration (policy 8305)

Adopted: 3/4/99

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Chapel Hill-Carrboro Schools
