

## E-3 Procurement Standards

As a pass-through entity for Federal education funds, the Maine Department of Education (Maine DOE) has prepared this guidance document to assist Federal program subrecipients in adhering to the statutory requirements for the **Financial Management of Federal Funds**.

The information provided in this document serves as general guidance being provided by the Maine DOE. Subrecipients under the **ESEA Consolidated** program should refer to the full text of the regulations that govern the use of these federal funds, which can be found under the [Elementary and Secondary Education Act](#) and within the [Code of Federal Regulations](#).

Subrecipients of Federal funds are solely responsible for meeting all applicable Federal regulations.

### Definitions:

No unique terms need to be defined for this monitoring item.

### Statutory Requirements:

#### [200.318\(c\)](#)

**State Guidance:** The pass-through entity must have a written staff code of conduct policy covering procurement issues including conflict of interest, gratuities, and violations.

**Relevant Documentation:** A written staff code of conduct policy. For example  
PURCHASING AND CONTRACTING: PROCUREMENT STAFF CODE OF CONDUCT  
Conflict of Interest

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.

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.

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 that 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. For this policy, “immediate family” is defined as a 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 the school unit and is fair and reasonable, he or she may proceed with the transaction. If the Superintendent has a conflict of interest, an ad hoc subcommittee of the School Board will investigate and determine the validity of the conflict of interest.

#### Gifts and Solicitations

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. 2 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

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.

Legal Reference: 2 CFR § 200.318 (Uniform Administrative Requirements—General Procurement Standards) (for federal awards made on or after 12/26/2014)

#### **Technical Assistance:**

Please feel free to contact your [ESEA Management Analyst](#) at the Maine DOE if you have any questions relative to the contents of this document or the requirements for leveraging these Federal funds.