

LEGAL: 2 C.F.R. 200.318 REQUIRES THAT SCHOOL DISTRICTS HAVE A CODE OF CONDUCT FOR PROCUREMENT USING FEDERAL FUNDS. THIS CONFLICT OF INTEREST LANGUAGE, ORIGINALLY LOCATED IN 07.13 AP.1 FOR DISTRICTS IN THE KSBA PROCEDURE SERVICE, SPEAKS TO THAT REQUIREMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SUPPORT SERVICES

07.13

### **School and Community Nutrition Procurement**

#### **FOOD PURCHASING**

The School and Community Nutrition Services Unit shall purchase food products and recurring common use items in compliance with the regulations stated in the Kentucky Model Procurement Code and in a manner that provides full and open competition consistent with the standards in applicable federal regulations. Individual schools must submit requests for food according to the method approved by the School and Community Nutrition Services Unit.

#### **CONFLICT OF INTEREST**

The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by School Food Service Program Funds.

1. No employee, officer, or agent of the District shall participate in selection or in the award or administration of a contract supported by Program 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 the firm selected for the award:
  - a) District employee, officer, or agent;
  - b) Any member of his/her immediate family;
  - c) His/her partner;
  - d) An organization that employs or is about to employ one of the above.
2. District employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. In determining whether an item is an impermissible gratuity or of monetary value, the definition of "gratuity" means a payment, loan, subscription, advance, deposit of money, services, or anything of more than twenty-five dollars (\$25.00) in value, present or promised, unless consideration of substantially equal or greater value is received (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply.
3. The purchase during the school day of any food or service from a contractor for individual use is prohibited.
4. The removal of any food, supplies, equipment, or school property such as records, recipe books, and the like is prohibited.
5. The outside sale of such items as used oil, empty cans, and the like will be sold by contract between the District and the outside agency. Individual sales by any school person to an outside agency or other school person is prohibited.

Failure of any employee to abide by the above-stated code may result in disciplinary action, including but not limited to, a fine, suspension, or dismissal.

**School Nutrition Procurement****USE OF DONATED COMMODITIES**

The School and Community Nutrition Services Unit shall develop a program for the use of donated foods in compliance with the USDA and the Kentucky Department of Education and Kentucky Department of Agriculture regulations. Commodity foods shall be used solely for the benefit of those eligible persons served by the School and Community Nutrition Services Unit.

**DONATION OF PERISHABLES**

Donation of leftovers, scraps, unused food, or commodities to organizations shall occur pursuant to procedures established by the Superintendent/designee and partnership agreements with the recipient organizations or agencies. Only food items deemed surplus after being served once as a leftover, or perishable items deemed to go out of date before they can be used as intended in the Federal meal programs administered by SCNS, or perishable food items deemed surplus as a result of unscheduled school closings may be donated. Donated surplus perishables shall be the sanitation and transport responsibility of the recipient agency.

**REFERENCES:**

~~7 CFR 3016.362~~ C.F.R. 200.318

~~7 CFR 210.242~~ C.F.R. 200.320

KRS 160.290

KRS 424.260

KRS 45A.345 – KRS 45A.460

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