



Dickinson ISD Food and Nutrition Services Department

Code of Conduct

This Code of Conduct has been created to establish and maintain effective oversight over the Dickinson ISD Food and Nutrition Services Department, (FNS) financial management system that provides reasonable assurance that the Dickinson ISD FNS Department is managing the program in compliance with all federal, state, and local regulations and terms and conditions of the program award

and:

To establish and maintain effective oversight over those definitive actions related to the procurement process, establish standards of ethical conduct for procurement actions, and provide full and open competition in all procurement actions.

4003 Video St.

Dickinson, TX 77539

281-229-6012

Dickinson ISD Food and Nutrition Services Department Code of Conduct

As representatives of the Dickinson ISD FNS Department, all employees are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and to use good judgement. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside Dickinson ISD.

The following Code of Conduct shall govern the performance, behavior, and actions of Dickinson ISD FNS Department, including employees, directors, officials, or agents who are engaged in any aspect of procurement, including – but not limited to- purchasing goods and services; awarding contracts; or the administration and supervision of contracts.

Code of Conduct

- No employee, directors or agent of the Dickinson ISD FNS Department shall participate in the selection, award, or administration of a bid or contract supported by federal funds if a conflict of interest is a real or apparent to a reasonable person.
- Conflicts of interest may arise when an employee, directors, or agent of the Dickinson ISD FNS Department has a financial, family, or any other beneficial interest in the vendor selected or considered for award.
- No employee, directors, or agent of Dickinson ISD FNS Department shall award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor, or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State, and local procurement laws and policies established to maximize free and open competition among qualified vendors. Those circumstances where interests, financial or otherwise, are not substantial or are within the limits of applicable Federal, State, and local laws and the policies and procedures of Dickinson ISD, the Dickinson ISD school board shall determine whether the conflict is material under the circumstances.
- The Dickinson ISD FNS Department employees, directors, and agents will not solicit gifts, including but not limited to travel packages or other incentives, and/or donations from prospective contractors. However, incentive language may be included as part of the competitive procurement (formal bid and request for proposal) solicitation language to acquire the most favorable terms for the operation and benefit of the non-profit food service account. Such incentives include but are not limited to volume rebates, timely payment discounts, program promotion assistance, upfront savings, etc.

Incentives, Gratuities or Kickbacks

In accordance with the State of Texas Department of Agriculture (TDA) "Administrative Review Manual" (ARM) Section 16,16.18, Dickinson ISD FNS Department employees; officials; agents acting on the Dickinson ISD FNS Department behalf; any member of the immediate family of the Dickinson ISD FNS Department employee, officer, or agent acting on the Dickinson ISD FNS Department behalf; or business partner of the employee, officer, or agent acting on Dickinson ISD FNS Department behalf cannot accept anything of value from a vendor. Incentive, gratuities, or kickbacks include, but are not limited to, personal gifts or gratuities that may be construed to have been given to influence the purchasing process.

Although such practices may be accepted in the private sector, giving, and receiving gifts in the public sector may constitute a violation of law. Gifts to a Public Servant is a Class A misdemeanor offense if the recipient is a government employee who exercises some influence in the purchasing process of the governmental body.

A Dickinson ISD FNS Department employee or former employee must not knowingly use confidential SNP information for the actual or anticipated personal benefit or benefit for any person or entity.

Dickinson ISD will apply disciplinary actions for violations of the above stated standards by Dickinson ISD FNS Department employees, officers, or agents acting on the Dickinson ISD FNS Departments behalf.

Dickinson ISD FNS Department will provide guidance to each employee, officer, or agent acting on the Dickinson ISD FNS Departments behalf at the time of hire on how to avoid undue influence. Dickinson ISD FNS Department will offer training and provide all employees, officers, and agents acting on behalf of Dickinson ISD FNS Department a copy of Dickinson ISD Employee Manual that addresses professional and ethical standards.

Dickinson ISD FNS Department requires any employee, officer or agent acting on behalf of Dickinson ISD FNS Department to disclose in writing any possible situations where there is an appearance of incentives, gratuities, or kickbacks being received.

Dickinson ISD will consult with their attorney or legal counsel if there is a question about whether a specific situation is a conflict of interest.

Benefits Received

Dickinson ISD FNS Department employees; officials; agents acting on the Dickinson ISD FNS Department behalf; any member of the immediate family of the Dickinson ISD FNS Department employee, officer, or agent acting on the Dickinson ISD FNS Department's behalf; or business partner of the Dickinson ISD FNS Department employee , officer, or agent acting on Dickinson ISD FNS Department's behalf must not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

When incentives are offered by the contractor and accepted by an individual, the incentive must become the property of Dickinson ISD FNS Department, under no circumstances can the incentive become the property of the individual.

Certification Regarding Lobbying

Lobbying certification requirements are applicable to grants, sub-grants, cooperative agreements, and contracts exceeding \$100,000 in federal funds.

Dickinson ISD FNS Department will use the following procedures:

1. **Documentation:** Dickinson ISD FNS Department will take actions to ensure that the proper documentation is prepared, shared as required, and retained.
2. **Use of Funds:** Dickinson ISD FNS Department requires that federal funds must not be paid buy or behalf of the Dickinson ISD FNS Department to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

Debarment and Suspension

Dickinson ISD and their subcontractors must not make or permit any award, sub-award, sub-grant, or contract with and individual or entity that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs, per the TDA Administrative Review Manual (ARM), Section 15.11

Dickinson ISD FNS Department will include the following debarment and suspension certification in every written agreement with subcontractors:

{Enter name of subcontracting organization} certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any federal department or agency or by the State of Texas. {Enter name of subcontracting organization} shall immediately provide written notice to {Enter name of CE} if at any time the {Enter name of subcontracting organization} learns that this certification was erroneous when submitted or has become erroneous by reason of changed circumstances. {Enter name of CE} may rely upon a certification of a subcontractor that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered contract, unless it knows that the certification is erroneous.

Dickinson ISD FNS Department will require the subcontractor to sign and submit the TDA form entitled Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts (H2048)16 and maintain the signed form with its contract record.

– Print the page from the System for Award Management, which indicates the subcontractor is not presently debarred or otherwise excluded from participation in the contract by any federal department or agency or by the State of Texas and maintaining that document on file with the contract documents. The System for Award Management can be accessed at <http://www.sam.gov/portal/SAM/#1>

Staff Purchase of Items on Awarded Contracts

Dickinson ISD FNS Department does not allow any employee, officer or agent acting on behalf of Dickinson ISD FNS Department to take advantage of Dickinson ISD FNS Department's procurement by purchasing of an awarded contract.

Per the ARM, Section 18.8, Program Integrity:

When a CE employee makes a purchase for an item on a CE-awarded contract, the individual is accepting the cash difference between the bid or discount price and the amount the CE employee would have paid for the item in the regular retail market. This is a financial incentive. Even though the individual pays for the purchase, the payment does not remove the financial incentive. Even if the contractor were to charge the retail price, the individual would still be receiving the convenience of a personal delivery and would be accepting a favor from the contractor—therefore, this is an unallowable practice

Contracting with Persons and Companies for Assistance in Developing a Solicitation

Per the ARM Section 15.10 Program Integrity:

When acquiring goods and services, CEs may contract with agents or companies that provide technical information in drafting procurement specifications and/or technical requirements. This provision is intended to encourage program administrators to obtain information from as many sources as possible to assist them in drafting procurement documents.

Food Taken from Schools

Dickinson ISD FNS Department does not allow any employee, officer, or agent acting on behalf of the Dickinson ISD FNS Department to take food or leftover food (including milk) from the premises for personal use, personal gain, or benefit to another person or entity.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or (2) fax: (833) 256-1665 or (202) 690-7442; or (3) email: Program.Intake@usda.gov. This institution is an equal opportunity provider.