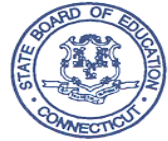




STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Child and Adult Care Food Program (CACFP) Sponsors

FROM: John Frassinelli, Chief
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: December 26, 2014

SUBJECT: **Operational Memorandum #03C-15, #03A-15 and #03H-15**
Written Codes of Conduct and Performance of Employees Engaged in Award
and Administration of Contracts

This memorandum responds to a number of recent questions and requests to provide clarifying guidance to State agencies and Child Nutrition Program (CNP) operators, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP) regarding the expectation and enforcement of ethical conduct by their employees engaged in procurement of Program goods and services. State agencies and CNP operators are reminded that 7 CFR 3016.36(b)(3) and 3019.42 as applicable, currently require entities receiving Federal funds to develop and implement a written code of conduct designed to govern the performance of employees engaged in procurement.

This code of conduct must prohibit employees from soliciting gifts, travel packages, and other incentives from prospective contractors. In addition, the code of conduct must prohibit an employee from participating in the selection, award, and administration of any contract to which an entity or certain persons connected to them, have financial interest. The code of conduct must also provide for CNP operators to set standards when financial interest is not substantial or the gift is an unsolicited item of nominal value and may be acceptable. Finally, the code of conduct must provide for disciplinary actions to be applied in the event the standards are violated.

State agency oversight and monitoring of subgrantee procurement activities includes a review of the written code of conduct as well as an investigation of reported real or apparent conflicts of interest by employees involved in procurement. The State agency's goal is to ensure the performance of individuals and organizations engaged in the selection, award, and contract administration meets Federal requirements. When reviewing a written code of conduct, the State agency must determine compliance with Federal, State and local regulations. In the absence of a written code of conduct, or when it is determined that a violation of the code has occurred, State agencies must issue a finding and require corrective action for noncompliance with 7 CFR 3016.36(b)(3) or 7 CFR 3019.42, as applicable. Remedies for failure to comply with these regulations are outlined in 7 CFR 3016.43 and 3019.62. [It should be noted that the regulatory citations in this memorandum will soon be replaced by new Federal regulations at 2 CFR 200.318(c)(1), which sets substantially the same requirements.]

If there are any questions about this information, contacts are as follows:

Day Care Center Sponsors: Susan Boyle at 860-807-2074, Celia Cordero at 860-807-2076, Benedict Onye at 860-807-2080 or Terese Maineri at 860-807-2145.

Day Care Home Sponsors: Celia Cordero at 860-807-2076 or Terese Maineri at 860-807-2145.

JF:shb

Important: This is a numbered Operational Memorandum that contains important program information. Please read carefully and retain for future reference. Operational Memoranda are also posted on the Child Nutrition website at: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333794>