

CONFLICT OF INTEREST-FEDERAL PROGRAMS

Background

Public office is a public trust. In addition to complying with the Public Official and Employee Ethics Act and the applicable laws and regulations, Board members and District employees must avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest when engaged in the selection, award and administration of contracts supported by Federal awards.

Objective

This policy is intended to ensure that, in accordance with 2 C.F.R. §200.318(c), the District complies with the applicable standards of conduct covering conflicts of interest and properly governs the actions of its employees engaged in the selection, award and administration of contracts supported by Federal awards.

Definitions

Nominal value is defined as an unsolicited gift with a value of \$25.00 or less.

Immediate family includes a spouse, children, parents, siblings, and domestic partner of the employee, officer, or agent.

Financial interest is anything of monetary value, including, but not limited to salary, consulting fees, honoraria, equity interests (e.g., stocks, stock options or other ownership interests), interests in real or personal property, dividends, royalties, rent, capital gains, intellectual property (e.g., patents, copyrights, and royalties from such rights). The term shall not include any financial interest in a legal entity engaged in business for profit which comprises five percent (5%) or less of the equity of the business or five percent (5%) or less of the assets of the economic interest in indebtedness.

Policy

In accordance with 2 C.F.R. §200.318(c)(1), the District maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts supported by a Federal award:

CGDA

EPS/NSBA

No employee, officer, or agent of the District 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. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which 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 such a contract.

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts related to a contract supported by a Federal award, unless the gift is an unsolicited item of nominal value.

The District follows the laws, regulations, and guidance of the PA State Ethics Commission, including, but not limited to the Public Official and Employee Ethics Act and related regulations related to the standards of conduct and conflicts of interest.

Organizational Conflicts.

Organizational conflicts of interest means that because of relationships with a parent company, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The District at this time does not have a parent, affiliate or subsidiary organization that is not a state, local, government or Indian tribe that would pose organizational conflicts of interest.

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or designee to determine whether it is likely that the District would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;
2. Any District employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;
3. A competitive bid, quote or other basis of valuation is considered; and
4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

CGDA

EPS/NSBA

Reporting.

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.

Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Superintendent, who shall report the incident to the solicitor.

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest.

The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.

Disciplinary Actions.

If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant. Violations of this policy may result in disciplinary action up to and including discharge, fines and possible criminal penalties. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.

Administrative Responsibility

Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and District employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

Communication

This Policy shall be communicated to:

1. All District Staff
2. The Mt. Lebanon Community

CGDA

EPS/NSBA

Adopted September 18, 2017
Reviewed October 7, 2019
Reviewed October 12, 2020
Reviewed November 8, 2021

BUS_EST:436159-6 019756-106661