



# **A.W. Brown Leadership Academy**

## **Child Nutrition Food Services Department**

# **Code of Conduct**

**Effective September 1, 2023**

This Code of Conduct has been created to establish and maintain effective oversight over the A.W. Brown Leadership Academy Food Services Department's financial management system that provides reasonable assurance that the A.W. Brown Leadership Academy Food Services 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.

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**A.W. Brown Leadership Academy**  
**Child Nutrition Food Service Department**  
**Code of Conduct**

As representatives of the A.W. Brown Leadership Academy Food Services Department, all employees are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside the A.W. Brown Leadership Academy.

The following Code of conduct shall govern the performance, behavior, and actions of the A.W. Brown Leadership Academy Food Services 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, director, or agent of the A.W. Brown Leadership Academy Food Services Department shall participate in the selection, award, or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.
- Conflicts of interest may arise when any employee, director, or agent of the A.W. Brown Leadership Academy Food Services Department has a financial, family, or any other beneficial interest in the vendor selected or considered for an award.
- No employee, director, or agent of the A.W. Brown Leadership Academy Food Services 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. In 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 the A.W. Brown Leadership Academy, the Superintendent's Cabinet shall determine whether the conflict is material under the circumstances.
- The A.W. Brown Leadership Academy Food Services Department employees, directors, and agents will not solicit gifts, including but not limited to travel packages, 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, A.W. Brown Leadership Academy Food Services Department employees; officials; agents acting on the A.W. Brown Leadership Academy Food Services Department behalf; any member of the immediate family of the A.W. Brown Leadership Academy Food Services Department employee, officer, or agent acting on the A.W. Brown Leadership Academy Food Services Department behalf; or business partner of the employee, officer, or agent acting on A.W. Brown Leadership Academy Food Services Department behalf cannot accept anything of value from a vendor. Incentives, 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. Gift 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.W. Brown Leadership Academy Food Services Department employees or former employees must not knowingly use confidential SNP information for the actual or anticipated personal benefit or benefit of any person or entity.

A.W. Brown Leadership Academy will apply disciplinary actions for violations of the above-stated standards by A.W. Brown Leadership Academy Food Services Department employees, officers, or agents acting on the A.W. Brown Leadership Academy Food Services Department behalf.

A.W. Brown Leadership Academy Food Services Department will guide each employee, officer, or agent acting on the A.W. Brown Leadership Academy Food Services Department's behalf at the time of hire on how to avoid undue influence. A.W. Brown Leadership Academy Food Services Department will offer training and provide all employees, officers, and agents acting on behalf of A.W. Brown Leadership Academy Food Services Department with a copy of A.W. Brown Leadership Academy's Employee Manual that addresses professional and ethical standards.

A.W. Brown Leadership Academy Food Services Department requires any employee, officer, or agent acting on behalf of A.W. Brown Leadership Academy Food Services Department to disclose in writing any possible situations where there is an appearance of incentives, gratuities, or kickbacks being received.

A.W. Brown Leadership Academy 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**

A.W. Brown Leadership Academy Food Services Department employees; officials; agents acting on the A.W. Brown Leadership Academy Food Services Department behalf; any member of the immediate family of the A.W. Brown Leadership Academy Food Services Department employee, officer, or agent acting on the A.W. Brown Leadership Academy Food Services Department's behalf; or business partner of the A.W. Brown Leadership Academy Food Services Department employee, officer, or agent acting on A.W. Brown Leadership Academy Food Services 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 the A.W. Brown Leadership Academy Food Services Department. Under no condition can the incentive become the property of an individual.

### **Certification Regarding Lobbying**

Lobbying certification requirements apply to grants, subgrants, cooperative agreements, and contracts exceeding \$100,000 in federal funds.

A.W. Brown Leadership Academy Food Services Department uses the following procedures

1. **Documentation:** A.W. Brown Leadership Academy Food Services Department will take action to ensure that the proper documentation is prepared, shared as required, and retained.
2. **Use of Funds:** A.W. Brown Leadership Academy Food Services Department requires that federal funds must not be paid by or on behalf of the A.W. Brown Leadership Academy Food Services 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**

A.W. Brown Leadership Academy and its subcontractors must not make or permit any award, sub-award, sub-grant, or contract with an 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 16.20.

- A.W. Brown Leadership Academy Food Services Management Department will Include the following debarment and suspension certification in every written agreement with subcontractors:  
*“{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. { name of subcontracting organization } shall immediately provide written notice to A.W. Brown Leadership Academy Food Services Management Department if at any time the {name of subcontracting organization} learns that this certification was erroneous when submitted or has become erroneous because of changed circumstances. A.W. Brown Leadership Academy 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.*
- A.W. Brown Leadership Academy Food Service Management 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)12” and maintain the signed form with its contract record.
- A.W. Brown Leadership Academy Food Service Management Department will print the page from the System for Award Management (SAM), 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 will maintain that document on file with the contract documents. The System for Award Management can be accessed at [www.sam.gov/portal/SAM/#1](http://www.sam.gov/portal/SAM/#1)

## **Staff Purchase of Items on Awarded Contracts**

A.W. Brown Leadership Academy Food Service Management Department does not allow any employee, officer, or agent acting on behalf of A.W. Brown Leadership Academy Food Service Management Department to take advantage of A.W. Brown Leadership Academy Food Service Management Department’s procurement by purchasing off an awarded contract.

Per the ARM, Section 16.22, Confidentiality and Program Integrity, this type of activity is actually accepting the cash difference between the bid or discount price and the amount the individual would have paid for the item in the regular retail market. This is a financial incentive.

When an individual pays for the purchase, the payment does not remove the financial incentive. Even if the contractor were to charge a retail price, the individual would still receive the convenience of personal delivery and accept 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 16.22, Confidentiality and Program Integrity, when acquiring goods and services, contracting entities (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.

- Potential Offerors or Interested Parties Involved in Developing a Solicitation  
A.W. Brown Leadership Academy Food Service Management Department will not accept a contractor or other interested party's offer if the contractor or other interested party assisted with or drafted the procurement specifications and/or technical requirements, procedures, or documents.

### **Food Taken From Schools**

A.W. Brown Leadership Academy Food Service Management Department does not allow any employee, officer, or agent acting on behalf of the A.W. Brown Leadership Academy Food Service Management Department to take food or leftover food (including milk) from the premises for personal use, personal gain, or benefit to another person or entity.