

## **Business/Non-Instructional Operations**

### **Food Service**

#### **Food Service Personnel - Code of Conduct**

The following conduct is expected of all persons who are engaged in the award and administration of contracts supported by the Child Nutrition Program (CNP) funds. These programs include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program.

No employee, officer or agent of the Newtown School 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.

To ensure objective contractor performance and eliminate unfair competitive advantage, a person that develops or drafts specifications, requirements, statements of work, invitations, for bids, requests for proposals, contract terms and conditions of other documents for use by the child nutrition program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for such procurements regardless of the procurement method used.

Conflicts of interest arise when a school district employee:

1. Has a financial or other interest in the firm selected for the award;
2. Is an employee, officer, or agent of the firm selected for the award;
3. Has a member of the immediate family who is an employee, officer or agent of the firm selected for the award;
4. Is about to be employed by the firm selected for the award; or
5. Has a member of the immediate family who is about to be employed by the firm selected for the award.

The Newtown School District employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of material monetary value from contractors, potential contractors or parties to sub-agreements.

The purchase during the school day of any food or service from a contractor for individual use is prohibited.

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#### **Food Service Personnel - Code of Conduct (continued)**

Newtown Board of Education employees, officers and agents shall be governed by the following rules:

1. The purchase during the school day of any food or service from a contractor for individual use is prohibited.
2. The removal of any food, supplies, equipment or school property, such as official records, recipe books, and the like is prohibited unless express permission of the Food Service Coordinator/Business Manager/Cafeteria Supervisor has been granted.
3. The outside sale of such items as used oil, empty cans and the like will be sold by contract between the Newtown School District and the outside agency.
4. Individual sales by any school person to an outside agency or other school person are prohibited.

Failure of any employee to abide by this Code of Conduct could result in a fine, suspension or dismissal.

#### **Resolution of Controversies**

Any actual or proposed supplier who is aggrieved in connection with a proposed purchase may protest to the Superintendent or his/her designee.

1. The protest shall be in writing.
2. The protest shall be delivered within 10 days of the action which is being aggrieved.
3. A hearing will be scheduled within 15 days of receipt of protest.
4. The proposed purchase will be delayed until the protest is resolved unless the delay will result in disruption of meal service to children. In the event it is determined that the purchase is necessary, an emergency shall be declared by the Superintendent/Assistant Superintendent for Business/purchasing agent and emergency purchase procedures will be followed until protest resolution.
5. The decision of the hearing officer shall be in writing and shall be delivered to the aggrieved supplier with proof of delivery required.
6. The aggrieved supplier shall be notified that an appeal of the hearing officer's decision is possible. The appeal request should be written and addressed to the Board of Education.

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#### **Public Access to Procurement Information**

1. Procurement information shall be a public record to the extent provided in Connecticut's Freedom of Information law.
2. All bid/offers shall be taken under advisement. Between the time an IFB/RFP is opened and awarded it may be viewed by any company or individual who entered a response, to the proposed intent to purchase.
  - a. Any supplier providing information, as a part of a proposal or offer shall stamp each page or sealed envelope, which they consider proprietary information, "not for public release."
  - b. Should the school district receive a request to release this marked information the supplier shall be notified within 24 hours and given 10 working days to obtain a court order to stop release.
  - c. In 10 working days the party requesting the information shall be provided a copy of the court order or instructions on when the information may be reviewed.
3. After acceptance, procurement information is available to the general public except as noted above.

(cf. 3320 – Purchasing Procedures)

(cf. 3323 – Soliciting Prices, Bids)

(cf. 3326 – Ordering Goods and Services, Paying for Goods and Services)

(cf. 3542 – School Lunch Service)

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 4118.13/4218.13 – Conflict of Interest)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

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Legal Reference: Connecticut General Statutes (continued)  
10-216 Payment of expenses.  
State Board of Education Regulations  
10-215b-1 School lunch and nutrition programs.  
10-215b-11 Requirement for meals.  
10-215b-12 Reimbursement payments. (including free and reduced price meals)  
Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.  
School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.  
National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.  
42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).  
Federal Register (74 Fed. Reg. 66213) amending federal regulations (7 CFR Part 210 and 220).  
P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751  
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.  
Nondiscrimination on the Basis of Handicap in Programs or Activities  
Title 7 Chapter 11 of the Code of Federal Regulation Federal Management Circular A- 102, Attachment 0 FNS Instruction 796-1 Revision 2.  
2 CFR 200.318 General Procurement Standards