## Instruction for Development of Conflict and GiftsPolicy

The subgrantee agreement requires the subgrantee to put in place policies and procedures to ensure compliance with all state and federal regulations.

The following sample policy was developed specifically for the Rural Water Association Infrastructure Grant program. If your organization adopts this policy, it will be expected to implement the policy for transactions related to the RWAIG funding only.

Subgrantees are not required to adopt the sample policy, and are welcome to use existing policies or to develop their own policies. Subgrantees may also modify the sample policy if desired by the governing board to additional control elements. We do not recommend removing elements from the policy. Once again, grantee must submit a conflict of interest policy to Mississippi State Department of Health before funding request will be processed. Non-federal entities should review their own local policies and consult with their attorneys to make modifications as needed when adopting this policy. For individual contracts, non-federal entities also should consult their grant award documents and with their federal grantor agency to determine whether additional procurement requirements apply.

In order to adopt the policy, organizations will need to make the following updates:

* Amend any highlighted portions of the policy.
* Replace the words ‘Non-federal Entity’ with the name of the Rural Water Association
* Update header, adding organization name
* Provide a copy of the board minutes where this policy or similar was adopted

## Sample Uniform Guidance Conflict of Interest Policy

**For Non-Federal Entity**

*Comment: When spending federal award funds, local governments are required to adopt written policies governing conflicts of interest and gifts. 2 C.F.R. § 200.318(c)(1). This sample policy contains language found in the relevant sections of the Uniform Guidance, 2 C.F.R. Part 200, relating to conflicts of interest and gifts. Nonfederal entities should review their own local policies and consult with their attorneys when adopting this policy.*

1. **Purpose**

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

1. **Policy**

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any subrecipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements.

1. **Conflicts of Interest**. In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [nonfederal entity] may participate directly or indirectly 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. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:
2. the employee, officer, or agent involved in the selection, award, or administration of a contract;
3. any member of his or her immediate family;
4. his or her partner; or
5. an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

1. **Gifts.** In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [nonfederal entity] are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than $\_\_\_\_\_\_ which fall into one of the following categories may be accepted:
	1. promotional items;
	2. honorariums for participation in meetings; or
	3. meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

1. **Violation**

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.