



## State of New Jersey

DEPARTMENT OF AGRICULTURE  
DIVISION OF FOOD AND NUTRITION  
PO Box 334  
TRENTON NJ 08625-0334

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

DOUGLAS H. FISHER  
*Secretary*



### Procurement Code of Conduct

Institutions shall maintain a written code of standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Program payments. Such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the institution's officers, employees, or by contractors of their agents. [7 CFR 226.22]

As such, the institution's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Institutions may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

***The state agency is required to collect a copy of the procurement plan and code of conduct of each Child and Adult Care Food Program sponsor, at the time of application, to assure USDA that each sponsor is aware of the specific requirements of the regulations. In the future, the Child and Adult Food Program will evaluate your compliance with these standards through our monitoring procedures.***

The sample provided below must be used to establish the code of conduct that is specific to each institution and sponsorship. All codes of conduct must abide by program regulations stated in 7 CFR 226.22 and 2 CFR 200.

***The sections of the sample written code of conduct provided within highlighted sections, must be specified and written to reflect the institution's individual policies on each topic.***

Note: A "Contractor" refers to any person or entity (food service vendor, bulk food supplier, and/or administrative item supplier, etc.), in which supplies, goods, and/or services, are purchased by the CACFP Sponsoring Institution with CACFP funding to support the Institution's CACFP Program administration and food service operation.

## Child and Adult Care Food Program

### Procurement Code of Conduct

The Following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by Child and Adult Care Food Program Funds.

No employee, officer, or agent of \_\_\_\_\_ (Institution) shall participate in selection, or in the award or administration of a contact supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

1. The employee, officer or agent;
2. Any member of his immediate family;
3. His or her partner; or
4. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The institution's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from vendors/contractors, potential vendors/contractors, or parties to sub-agreements. Institutions may set minimum rules where the financial interest is not substantial of the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the institution's officers, employees, or agents, or by vendors/contractors or their agents.

The following sections have been adapted and incorporated in \_\_\_\_\_ (Institution) 's written code of conduct for procurement related to CACFP funding.

- **The purchase during operating hours of any food or service from a vendor/contractor for individual use is prohibited.**
- **The removal of any food, supplies, equipment, or property of the sponsoring organization, such as official records, recipes, books, and the like, is prohibited.**
- **Staff, whether full-time, part-time, contracted, temporary, volunteer, or board members or immediate family members of staff or board members are prohibited from being providers.**
- **Rental of facilities, equipment, or furnishings from staff or board or another organization of which staff or board members are also a member is prohibited.**
- **Hiring of family members and paying them salaries/travel for which there is no documentation of work performed is prohibited.**
- **The selling of items or services to providers from which staff or board members make a profit is prohibited.**
- **Failure of any employee to abide by the above stated code could result in a fine, suspension, or both, or dismissal.**

Interpretation of the code will be provided at any time by contacting \_\_\_\_\_ (Authorized Sponsor Representative) \_\_\_\_\_ (Title) at \_\_\_\_\_ (Phone Number) \_\_\_\_\_.

This plan was adopted by the governing body of \_\_\_\_\_ (Institution) at the regularly scheduled meeting on this the \_\_\_\_\_ (Day) day of \_\_\_\_\_ (Month) in the year \_\_\_\_\_ (Year) \_\_\_\_\_.

Signature of Executive Director: \_\_\_\_\_