RESOLUTION FOR THE MINUTES


WHEREAS, the Commission has been awarded a 2021 Delaware Watershed Conservation Fund grant from the National Fish and Wildlife Foundation, for which the grant agreement requires that all recipients and sub-recipients adopt a conflict of interest policy that includes the requirements of the Uniform Guidance of the White House Office of Management and Budget (“OMB Uniform Guidance”); and

WHEREAS, although the Commission’s Administrative Manual – By-Laws, Management and Personnel (“Bylaws”) at Section 5.10 includes policies relating to conflicts of interest, it does not currently contain the referenced requirements; and

WHEREAS, the Commission has determined that it is in the agency’s best interest to amend Sections 4.4, “Purchasing,” and 5.10, currently captioned “Other Activities” of the Bylaws by incorporating in these sections the requirements of the OMB Uniform Guidance, comprising the general procurement standards set forth at 2 C.F.R. § 200.318(c)(1); now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. Section 5-10 of the Administrative Manual – Bylaws, Management and Personnel is hereby amended to incorporate the revisions shown in the mark-up appended hereto as Attachment A.

2. The revised Administrative Manual – Bylaws, Management and Personnel shall be effective upon the date of adoption set forth below.

ADOPTED: June 8, 2022
Attachment A

Mark-Up of Sections 4.4 and 5.10 of the Administrative Manual – By-Laws, Management & Personnel

Editor’s Note:
Proposed additions are shown in redline with underscore.
Proposed deletions are shown in redline with strikethrough.

A series of 4 asterisks (* * * *) denotes chapters, sections or paragraphs omitted because no changes are proposed to them.
CHAPTER 4
BUDGETS AND FINANCIAL PROCEDURES

4.4. Purchasing. The Executive Director shall install and maintain a purchasing system conforming to Section 14.9 of the Compact.

4.4 A. Standing authorization exists for purchases made consistent with the expense budget approved in accordance with Section 4.2 B. of this Manual and the budget operation set forth in Section 4.3 of this Manual, respectively.

4.4 B. When sealed bids, notice and publication are not required by the Compact, the purchasing agent shall, whenever feasible, seek and obtain informally at least three bids or proposals for any purchase exceeding $2,500. A record of all such informal bids shall be made and maintained by the purchasing agent.

4.4 C. No purchase exceeding $50,000 shall be made without prior approval by resolution of the Commission.

4.4 D. Conflicts of Interest. Chapter 5—Personnel Policies, Section 5.10—Conflicts of Interest, paragraph D—Federal Procurement Standards, concerning conflicts of interest in the Commission’s selection, award, or administration of contracts supported by federal awards, is incorporated by reference in this Section 4.4.

CHAPTER 5
PERSONNEL POLICIES

5.10 Other Activities Conflicts of Interest.

5.10 A. Civic and Community Activities. Commission employees may participate in civic and community activities as long as they do not conflict with the employee’s duties and responsibilities to the Commission.
5.10 B. **Outside Employment and Affiliations.** Commission employees are permitted to hold other working positions and affiliations only so long as such additional positions or affiliations do not create conflicts of interest in their work for the Commission, and does not reduce the employee’s efficiency and effectiveness in performing Commission work.

Within the provisions of this section, it is intended that professional employees of the Commission may accept specific teaching assignments at a recognized college or university. However, if any teaching assignments involve in any way the work day of employees, then this assignment would be subject to the approval of the Executive Director.

Employees will be required to review the Guidelines and Procedures for Preventing Conflicts of Interest in Connection with Outside Activities and complete the Conflict of Interest Questionnaire.

5.10 C. **Political Activities.**

An officer or employee of the Commission may not:

Be a candidate for nomination or election to public office where political party labels are used, and may not solicit others to become candidates.

Solicit or receive any assessment or contribution for any political purposes (but may make a voluntary contribution to any party or candidate).

5.10 D. **Federal Procurement Standards.** No Commission employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if the employee, officer, or agent has a real or apparent conflict of interest.

The foregoing standard would include the situation where the employee, officer, or agent, any member of the employee’s, officer’s, or agent’s immediate family, any partner of the employee, officer, or agent, or an organization which employs or is about to employ any of the parties listed in this paragraph has a financial or other interest in or a tangible personal benefit from a firm considered for the contract.

Employees, officers, and agents of the Commission may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except for items of nominal value and in accordance with procedures that may be established by the Commission.

Violations of this Section 5.10 D will result in disciplinary action, which may include termination of the employee’s, officer’s, or agent’s position with the Commission.

* * * *