

## MEMORANDUM

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**TO:** NWABSD Board of Education  
Members

**DATE:** March 8, 2024

**NUMBER:** 24-091

**FR:** Office of the Superintendent

**SUBJECT:** Approval of Proposed  
Revisions to BP 3315  
Relations with Vendors;  
Second Reading

**STRATEGIC PLAN/BOARD GOAL:**

Track 1: Operational Improvements  
*Initiative: Optimize Business Practices*

**ABSTRACT:**

Board policy revisions require Board approval.

**ISSUE:**

At issue is to approve the second reading of the proposed revisions to BP 3315 Relations with Vendors.

**BACKGROUND AND/OR PERTINENT INFORMATION:**

The Superintendent/designee presents drafts or suggestions for board policy revisions when the law changes or specific needs occur. Policy revisions shall normally be given two readings prior to adoption by the Board.

This is the second reading of the proposed revisions to BP 3315 Relations with Vendors.

This update adds a conflict-of-interest provision for awards with federal funds.

The Board Policy Committee reviewed the proposed changes and recommends approval.

**ALTERNATIVES:**

1. Approve the second reading of the proposed revisions to BP 3315 Relations with Vendors as presented;
2. Do not approve the second reading of the proposed revisions to BP 3315 as presented;
3. Take no final action.

**ADMINISTRATION'S RECOMMENDATION:**

The administration recommends the Board approve the second reading of the proposed revisions to BP 3315 Relations with Vendors as presented.

## BP 3315 RELATIONS WITH VENDORS

**Note:** *The following optional policy should be revised as needed to reflect district philosophy and needs and is intended to avoid situations wherein a conflict of interest exists or appears to exist. [A.S. 11.56.100-11.56.130](#) defines the felony offense of receiving a bribe and the misdemeanor offense of receiving unlawful gratuities. Receiving a bribe includes soliciting or receiving a benefit with the intention or understanding that a public servant's decisions or actions will be influenced. Receiving unlawful gratuities includes soliciting a benefit of any value or accepting any benefit having a value of \$50 or more for performing an official act not entitled to any special or additional compensation.*

No district employee or Board member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 9270 - Conflict of Interest)*

This policy does not prohibit the Board from accepting materials and/or services which are of use and benefit to the district.

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm consideration for a contract. The employees, officers, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

### Universal Service Program/E-Rate Vendors

**Note:** *The following language should be adopted by those districts receiving E-rate discounts. Effective 2011, the FCC amended its E-rate program rules and adopted*

*gift restrictions for schools and districts participating in E-rate. The receipt of gifts by applicants from service providers and potential providers is a competitive bidding violation. The gift prohibitions are always applicable, not just during the bidding process. Relevant school district personnel may not solicit or receive any gift or other thing of value from a service provider participating in or seeking to participate in the E-rate program. There are limited exceptions, including when the value of the item is worth \$20 or less, so long as items do not exceed \$50 per year per employee from any one service provider.*

The District takes advantage of federal technology funding through the universal service program known as E-rate. E-rate participants may not, at any time, solicit or accept gifts or other things of value from an existing or potential E-rate service provider. Nominal gifts and refreshments may be allowed as authorized by the Superintendent or designee.

E-rate gift prohibitions apply to the School Board and to employees, consultants or contractors involved in the District's E-rate Program who: prepare, approve, sign, or submit E-rate applications, technology plans or other E-rate forms; prepare bids, communicate, or work with E-rate service providers, E-rate consultants, or the Universal Service Administrative Company; and those responsible for monitoring compliance with the E-rate program.

Charitable donations by service providers in support of the schools are permitted. These contributions may not be directly or indirectly related to E-rate procurement activities or decisions.

The Superintendent or designee shall develop guidelines to implement this policy in compliance with E-rate program rules.

*(cf. 3290 - Gifts, Grants and Bequests)*

*Legal Reference:*

CODE OF FEDERAL REGULATIONS

[47 C.F.R. Part 54](#), subpart f, *Universal Service Support for Schools and Libraries*

ALASKA STATUTES

[11.56.100-56.130](#) *Bribery and related offenses*

*Revised: June 05, 2012*

*Adopted: February 25, 1994*

Revised: June 05, 2012

Revised:

**Northwest Arctic Borough School District**