GENERAL

The following University of Maine System (UMS) standards of conduct are furnished to ensure that all materials and services, regardless of the source of funding, are obtained in a cost effective manner and in compliance with the applicable federal and state laws, executive orders, and generally accepted procurement standards. They do not relieve any campus or employee of their own contractual responsibilities arising under individual contracts. The University of Maine System Treasurer is the responsible authority for disputes, claims, protests of award, source evaluation or other matters of a legal nature.

FEDERAL REQUIREMENTS

Federal Office of Management and Budget (OMB) Circular A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations sets forth certain purchasing standards for recipients of federal grants and contracts. Requirements include standards relating to procurement responsibilities, codes of conduct, competitive procurement, procurement procedures, cost and price analysis, records, and contract administration and provisions.

Those expending federal funds must not only comply with University of Maine System policies and procedures but also sponsoring agency requirements as well as the requirements of OMB Circular A-110 which may be located here: http://www.whitehouse.gov/omb/circulars_a110 (Procurement standards are located specifically at Subpart C.40-48.)

MONITORING

Campus Presidents should ensure that campus employees directly or indirectly responsible for procurement are made aware of, and comply with, these standards. Responsible employees will include, but are not limited to, Purchasing Officers, Business Officers, Vice Presidents, Research Office Contracting Officers, and Principal Investigators, and any other employee with authority to commit resources on behalf of the UMS.

Each employee directly or indirectly responsible for procurement must complete the Acknowledgement form on page 4 of this APL. This will acknowledge familiarity with this APL and OMB Circular A-110. A file of completed acknowledgment forms must be maintained by each campus.
This APL also is intended to ensure interpretation and compliance with Maine law involving any legal and ethical standards of procurement, contracting and real or apparent conflicts of interest applicable to the University of Maine System including 5 Maine Revised Statutes Annotated (MRSA), Sections 18-A and 17 MRSA, section 3104. If in doubt, employees should consult with their supervisor and ultimately with University Counsel as necessary.

CONFLICT OF INTEREST

University employees may not have a financial interest in any contract entered into by the University except in certain circumstances approved in advance, in writing, by the appropriate University official as further described in this APL.

What constitutes a financial interest that may give rise to an actual or apparent conflict of interest often must be judged on a case-by-case basis. If in doubt, the employee should consult the campus president, or his or her designee. University counsel may be consulted if the campus president, or his or her designee, deems it necessary.

Violations of this policy may result in disciplinary action up to and including termination in keeping with University disciplinary policies and collective bargaining agreements.

In addition to this APL, employees must conduct themselves in accordance with Board of Trustees Policy, Section 410, Conflicts of Interest, and its associated documents.

Neither the Chancellor nor a President may have a direct or indirect financial interest in any contract entered into by the University in violation of 17 MRSA, Section 3104.

Waiver

In some circumstances, an employee who has or may have a direct or indirect financial interest in a contract entered into by the University may be granted a waiver with explicit advance written approval. For contracts of $50,000 and more, the waiver must be signed by the campus chief financial officer, or designee, and the Director of Strategic Procurement. Waivers for contracts of lesser value will be granted pursuant to written campus procurement policy as required by APL VII-A.2, UMS Purchasing Procedures.
UNIVERSITY OF MAINE SYSTEM

ADMINISTRATIVE PRACTICE LETTER

SUBJECT: PROCUREMENT STANDARDS OF CONDUCT

Related Documents:

**APL Section VII: Procurement**
- APL Section VII-A.2 University of Maine System Purchasing Procedures
- APL Section VII-H Determining Employee Versus Independent Contractor Status

**University of Maine System Policy Manual – Board of Trustees**
- Section 206 Board of Trustees – Ethics Code and Conflict of Interest
- Section 207 Signatory Authorities
- Section 410 Conflicts of Interest

**Federal Office of Management and Budget**
- OMB Circular A-110 Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

**Maine Revised Statutes**
- 5 MRSA §18 Disqualification of executive employees from participation in certain matters.
- 5 MRSA §18-A Conflict of interest; contract with the State
- 17 MRSA §3104 Conflicts of interest; purchases by the State

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APPROVED:

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Vice Chancellor of Finance and Administration
TO: _____________________________________
(Campus Authority)

This will acknowledge that I have received a copy and have read the University of Maine System Procurement Standards of Conduct (APL VII-B) and agree to comply with it.

_________________________________________  __________________________
Signature                                      Title

_________________________________________  __________________________
Name                                           Campus

_________________________________________  __________________________
Date                                           Department