



Resolution to Adopt Rowan County Conflict-of-Interest Policy in Relation to Contracts and Subawards Supported by State and/or Federal Grant Funding

WHEREAS, Rowan County is the recipient of various state and federal grants which provide critical funding for county projects and initiatives;

WHEREAS, the effective and ethical administration of contracts and subawards supported by such funding is paramount to maintaining public trust and adherence to legal standards;

WHEREAS, a formal Conflict-of-Interest Policy applicable to contracts and subawards funded by state and/or federal grants will provide a framework for the responsible conduct of all county officials, employees, and agents involved in the administration of these funds;

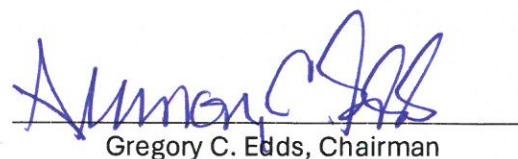
WHEREAS, the implementation of such a policy is required under grant agreements made by some federal and state funding agencies, and will facilitate compliance with such requirements for entities receiving state or federal grant funding;

WHEREAS, a comprehensive Conflict-of-Interest Policy will contribute to transparent, competitive, and equitable administration of state and federal grant funding, thereby enhancing the efficiency and legitimacy of funded projects;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Rowan County, NC hereby adopts and enacts the following Rowan County Conflict-of-Interest Policy Applicable to Contracts and Subawards Made by Rowan County and Supported by State and/or Federal Grant Funding, effective immediately.

BE IT FURTHER RESOLVED that this policy shall be reviewed annually and amended as necessary to ensure ongoing compliance with changing laws and standards.

This the 6th day of May 2024.



Gregory C. Edds

ATTEST:



Sarah Pack, Clerk to the Board

Rowan County Conflict-Of-Interest Policy Applicable to Contracts and Subawards Made by Rowan County and Supported by State and/or Federal Grant Funding

Purpose and Scope

The purpose of this Conflict-of-Interest Policy is to provide transparency and to ensure that no unfair advantages are created in the County's administration of grant awards, including federal, state, local, and private grant funding as defined in this policy. This policy applies to all County officials whether elected or appointed, and all staff who are involved in oversight of grant funds and/or who are responsible for day-to-day management of grant-funded programs and activities.

I. Policy

In accordance with North Carolina General Statutes, specifically § 143C-6-23 "State grant funds: administration; oversight and reporting requirements," and Code of Federal Regulations, specifically 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"), no employee, officer, agent immediate family member, or Board member of the County shall participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such conflict arises where the individual employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs, or is about to employ, any of the above would "derive a direct benefit" from a contract, which exists if the person or his or her spouse (1) has more than a 10 percent interest in the company that is a party to the contract, (2) derives any income or commission directly from the contract, or (3) acquires property under the contract.

Rowan County is not able to purchase or contract with members of Rowan County elected boards and/or appointed boards if the board member has a personal interest in the contract in their official capacity. See also the County's Procurement Policy.

This Conflict-of-Interest Policy is intended to incorporate the above-referenced 49 CFR Part 18 requirements where Rowan County is administering a federal grant or is a recipient of a federal grant. Furthermore, Rowan County shall require such policies for all subrecipients of federal grants.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy (Section 3.0) shall report the conflict to his or her immediate supervisor. Any such conflict involving federal funds shall be disclosed in writing to the appropriate award agency or pass-through entity in accordance with applicable awarding agency policy.

A. Subrecipients of County Must Adopt Conflict of Interest Policy.

Federal guidelines require that subrecipients receiving federal funding must adopt a conflict-of-interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.

B. Violations

Any employee that violates this Conflict-of-Interest policy will be subject to disciplinary action, up to and including termination. Any contractor violating this policy will result in termination of the contract and may not be eligible for future contract awards. See also the County's Procurement Policy.

II. Identifying and Managing of Conflicts of Interest for Federally Funded Projects

A. Duty to Disclose

Each covered individual who is expected to be, or who is actually involved in the selection, award, or administration of a contract or subaward that is supported by federal financial assistance (grants) has an ongoing duty to disclose actual, apparent, or potential conflicts of interest arising under this Policy to their direct supervisor. Responsible Department Directors are required to notify, in writing, the Director of Grants Administration and Governmental Relations of the reported actual, apparent, or potential conflict of interest. The supervisor and the Director of Grants Administration and Governmental Relations are responsible to ensure the funding agency is notified and documentation is in place according to the funding agency's requirements. See Appendix B for Conflict-of-interest of Disclosure form.

B. Protections for Whistleblowers.

In accordance with 41 U.S.C. § 4712, the County shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant:

- i. A member of United States Congress or a representative of a committee of US Congress; or
- ii. An Inspector General; or
- iii. The Government Accountability Office; or
- iv. A Treasury or other federal agency employee responsible for grant oversight or management; or
- v. An authorized official of the Department of Justice or other law enforcement agency; or
- vi. A court or grand jury; or
- vii. A management official or other employee of the County; or
- viii. A Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

III. Definitions

The following terms shall have the meanings in this Policy as defined in this section; terms used in

this Policy but not defined in this shall have the meaning set forth in 2 C.F.R. § 200.1.

Beneficiary—The individual or entity intended to benefit from a grant program as defined by the grant-making entity; the “end user.”

Contract—A legal instrument by which the County purchases property or services needed to carry out a program or project under a federal award. (See the County’s Procurement Policy.)

Contractor—An entity or individual that receives a contract through which the County purchases property or services. (See the County’s Procurement Policy.)

Covered Individual—A public official, employee, or agent of the County to whom this Policy applies.

Departmental Grant Coordinator—The County employee(s) responsible for day-to-day management of a particular grant; departmental grant coordinators are assigned by department directors and work closely with the Director of Grants Administration and Governmental Relations to support transparency and compliance of grant-funded projects and programs.

Grant—A financial award provided to the County by a federal, state, or local government entity, or by a private organization (e.g. foundations). Grants are typically awarded to support projects, programs, or initiatives that align with the goals and objectives of the grant-making entity. May also be referred to as, among other terms: directed grants, appropriations, federal or state financial assistance, awards.

Grant Agreement—A legal instrument of financial assistance provided to the County by a granting organization; typically defines conditions and agreements under which the grant-making entity provides the funding (e.g. reporting requirements, allowable expenditures, etc.). May also be referred to as, among other terms: funding agreements, interlocal agreements, memo of understanding, etc.

Immediate Family Member—With respect to any covered individual, refers to any or all the following:

- i. their spouse/domestic partner and their parents, or
- ii. their child and their child’s spouse/domestic partner, or
- iii. their parent and their parent’s spouse/domestic partner, or
- iv. their sibling and their sibling’s spouse/domestic partner,
- v. their grandparents or grandchildren, and the spouse/domestic partner of each, or
- vi. any individual related by blood or affinity whose close association with the covered individual is the equivalent of a family relationship.

Involved in making or administering—When an officer, employee, or agent of the County is involved in any of the following situations:

- i. Is responsible for overseeing the performance of a contract or subaward, or
- ii. Has authority to make decisions regarding a contract or subaward, or
- iii. Is involved in interpreting a contract or subaward, or
- iv. Participates in the development of specifications or terms or in the preparation or

award of a contract or subaward.

Additionally, regarding public officials of the County, being a member of a board, commission, or other body of which the public official is a member, “involved in making or administering” means acting on the contract or subaward, whether the public official actually participates in that action.

Pass-through Entity—An entity that provides a subaward to a subrecipient to carry out part of a federal program. Depending on the type of grant, the County may function as a pass-through entity, a subrecipient, or a direct recipient.

Public Official—An individual who is elected or appointed to serve or represent the County (including, without limitation, any member of the Board of Commissioners) to the public.

Recipient—Means an entity that receives a grant directly from an awarding entity. The term does not include subrecipients or individuals that are beneficiaries of the award.

Sub-award or Sub-grant—A grant provided by a pass-through entity. Subawards do not include payments to a contractor or payments to an individual or organization who is a beneficiary or end-user of a grant program.

Subrecipient—An entity that receives a sub-grant from a pass-through entity to carry out part of a federal or state program; does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

Uniform Guidance or UG—“Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.” UG is enforced by the federal Office of Management and Budget (OMB) and comprises an authoritative set of rules and requirements for Federal awards that recipients and subrecipients of federal financial assistance are required to follow.

APPENDIX A. CONFLICT OF INTEREST DISCLOSURE FORM FOR FEDERAL AND STATE GRANTS

Conflict of Interest Disclosure Form Note: Any officer, employee, or agent of Rowan County with an actual, apparent, or potential conflict of interest shall report the conflict to his or her immediate supervisor. Such conflict arises where the individual employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs, or is about to employ, any of the above would "derive a direct benefit" from a contract, which exists if the person or his or her spouse (1) has more than a 10 percent interest in the company that is a party to the contract, (2) derives any income or commission directly from the contract, or (3) acquires property under the contract. Any such conflict involving federal funds shall be disclosed in writing to the appropriate award agency or pass-through entity in accordance with applicable awarding agency policy.

Individuals with a conflict of interest have a duty to disclose such conflict in compliance with the Conflict-of-Interest Policy, and relevant state and federal regulations.

Instructions for Department Directors & Grant Coordinators: Fill in this form and return to the Grants Administration & Governmental Relations.

Your Name: _____

Department: _____

Grant Name: _____

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

I have no conflict of interest to report.
 I have the following conflict(s) of interest to report:

Please describe the conflict of interest (attach additional pages as necessary):

Signature & Certification: I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____

Date: _____

For Grants Administration/Government Relations Use Only:

Signature

Date Received

Date Submitted to Granting Organization