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**COUNTY OF MERCED HUMAN SERVICES AGENCY ACTING AS THE  
COLLABORATIVE APPLICANT ON BEHALF OF THE MERCED CITY & COUNTY  
CONTINUUM OF CARE  
CODE OF CONDUCT FOR DOING BUSINESS UNDER FEDERAL AWARDS**

The County of Merced Human Services Agency acting as the Collaborative Applicant on behalf of the Merced City & County Continuum of Care (Merced CoC)'s Code of Conduct policies include the "Conducting Business in Accordance with Ethical Standards" requirements as identified in the [Administrative, National & Departmental Policy Requirements and Terms for HUDs Financial Assistance](#). ('Admin Policy') and the U.S. Department of Housing and Urban Development (HUD) regulations.

The Merced CoC and its subrecipients will comply with its established code of conduct and other written standards of conduct as follows:

**Procuring Property and Services.** Procurement of Goods and Services that meets all requirements in 2 CFR 200.317 for private funds and 2 CFR 200.318(c) for federal funds, and 24 CFR 578.95 for HUD Continuum of Care (CoC) funds and 24 CFR 576 Emergency Solutions Grant (ESG) funds. The only exceptions that are allowed to these procurement guidelines are those contained in a specific list in the Admin Policy and 24 CFR 578.95 (d)2 with written permission from HUD.

**A. General Prohibition**

No person who is an employee, agent, consultant, officer, or elected or appointed official of the Merced CoC or subrecipient and who exercises or has exercised any functions or responsibilities with respect to funded activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect to, or the proceeds or non-financial benefit, either for himself or herself or for those with whom he or she has immediate family or business ties.

HUD Rules under 24 CFR 578.95 (a) specifically incorporate the regulations for procurement under 2 CFR 200.317 and 2 CFR 200.318.

**Term of restriction.** These restrictions are applicable to the persons for engagement or for one year thereafter. Immediate family ties include (whether by blood, marriage, or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

## **B. Conflicts of Interest**

All **Merced CoC agency personnel**, *paid or unpaid*, will refrain from any real or perceived conflicts of interest. The Merced CoC's conflict of interest policy mirrors 24 CFR 578.95 as well as any applicable program regulations, grant agreements, or contract specifications.

HUD rules under 24 CFR 578.95 (b) specifically state that no CoC Board Member may participate in or influence the discussions or resulting decisions concerning the award of a grant or other benefits to the organization the member represents. The HUD rules in 24 CFR 578.95 (c) also specify Organizational Conflicts of Interest, and part 9(d) Other conflicts. The statements emphasize and further explain but do not eliminate, the requirements under 2 CFR part 200. Part 578.95(d) 1. is clear that the restrictions extend to family members, subrecipients and other individuals and organizations with whom have business ties and that the term of restriction endures for one year following the tenure of service.

## **C. Gratuities and Inducements**

The Merced CoC prohibits the solicitation and acceptance by employees of gifts or gratuities in excess of minimum value as set by the Board in accordance with federal regulations. Unsolicited gifts valued at less than one hundred dollars (\$100) from persons or entities not identified in the General Prohibitions may be accepted but must be reported to the Administration for further consideration. The Merced CoC prohibits persons covered by the general prohibitions of 2 CFR part 200 and the HUD conflict of interest policy under 24 CFR part 578 from gaining, or attempting to gain non-financial benefits through requests for exceptions to policies and procedures that fall outside the standards established for exception.

## **D. Administrative and Disciplinary Actions**

Violations of the Code of Conduct and Conflict of Interest standards by officers, employees and agents will result in the following actions:

Administrative Actions:

- a. Require immediate full disclosure of interest and/or potential profit for said award(s) or contract(s) in writing.
- b. Require a review of said action or interest to the governing Board of Directors and notification to the local HUD field office representative(s)

Remedies and Disciplinary Actions:

- c. Require the officer, employee, or agent to remove him/herself from any discussions and/or voting relating to the contract.
- d. Disciplinary action may result in termination or removal from the office held or position of employment with the organization.
- e. Cessation of services or termination of contract or vendor agreement.
- f. Referral for assessment of the legal ramifications associated with the violations, if warranted.

This policy is effective immediately and will remain in effect until further notice. A copy of this policy will be available during the organization's on-boarding process for employees, volunteers, and Board members.

**E. Registration of Code of Conduct**

To be listed in the Code of Conduct e-library as required by HUD CoC NOFO policies, please forward an electronic copy of the Code of Conduct statement to [askGMO@hud.gov](mailto:askGMO@hud.gov)

The email should contain:

1. Organization UEI#
2. Organization Legal Business Name (from SAM.gov)
3. Complete Mailing Address
4. Name, title, email, and phone number for the person with executive authority.
5. Electronic codes of conduct statement (searchable documents preferred)

The [Code of Conduct e-library](#) will be recorded in a single Microsoft Excel workbook displaying organizations with a compliant Code of Conduct policy submissions. The Code of Conduct e-library is updated at least quarterly.