

CONFLICT OF INTEREST - REAL ESTATE PURCHASE OR SALE/BUILDING CONTRACTOR

2036

Prior to taking any action to approve or disapprove the purchase or sale of real estate, the Board of Education shall require the following:

A. Purchase of real estate by the district:

1. Prior to and as a condition to the execution by the district of any real estate purchase contract, the prospective seller of any real estate to the district shall submit to the clerk of the Board of Education an affidavit in a form prescribed by the attorneys for the district as to the following:
 - a. The names of all persons who have any right, title, or interest in the real estate.
 - b. The names of all persons who may receive a brokerage or real estate commission from the sale of the real estate.

The district shall not purchase any real estate from a person or entity who refuses to furnish the affidavit requested by this policy.

The name of any person or persons submitting a false affidavit to the district shall be presented to law enforcement authorities for prosecution.

2. To the extent that any suggestion or recommendation for the purchase of real estate is made by a Board of Education member, employee of the district, architect, or attorney of the district, then such person shall be required by the Board of Education to disclose to the Board whether he/she owns any right, title, or interest in the real estate in question or any real estate within one-half mile of any boundary of the real estate in question.

B. Sale of real estate by the district:

1. The prospective buyer of any real estate owned by the district shall submit to the clerk of the Board of Education an affidavit in a form prescribed by the attorneys for the district stating the names of all persons who will be acquiring, as a result of such sale, either directly or indirectly, any right, title, or interest in the real estate.
2. The district shall not sell or convey any real estate to a person or entity who refuses to furnish the affidavit required by this policy.
3. The name of any person(s) submitting a false affidavit to the district shall be presented to law enforcement authorities for prosecution.

CONTRACT WITH BUILDING CONTRACTOR

In addition to the affidavits required by the Oklahoma Competitive Bidding Act, Oklahoma Statutes, Title 61, Section 101 et sec. (1981), any bidder on any construction contract with the district, the amount of which is in excess of \$50,000 for sealed bids, shall, at the time of the submission of its bid, submit an affidavit referred to as a business relationship affidavit, in a form prescribed by the attorneys for the district setting forth the following information:

- A. The names of all persons who have any ownership interest, either directly or indirectly, in the entity submitting the bid.
- B. To the extent known by the bidder, the names of any member of the Board of Education and their immediate family members and the names of any employees of the district, including the district's architects and attorneys and their immediate family members, who are currently or have been for one year immediately preceding the submission of the bid an employee of or derived any income or benefits from the bidder or any person who owns, directly or indirectly, any interest in the entity submitting the bid.

Any bidder who is awarded a construction contract with the district must thereafter submit an amended affidavit should any of the above information change after the execution of the construction contract. Such amended affidavit must be submitted with the next payment request setting forth the above information current to the date of the payment request.

Any bidder who fails or refuses to submit the affidavit required by this section shall have the bid returned and such bid shall not be considered by the Board of Education.

Any successful bidder who is awarded a construction contract with the district and who fails or refuses to submit the affidavit required by this section in connection with a payment request, shall not be paid until such affidavit is submitted.

CONFLICTS OF INTEREST

- A. If, as a result of receiving any affidavit required by this policy, the Board of Education believes that a conflict or potential conflict of interest exists between the affiant or any representative of the affiant, any member of the Board of Education or employee of the district, including the district's architects and attorneys, then the Board of Education shall determine: (1) whether such conflict or potential conflict will materially and substantially interfere with, impede, or delay the contract in question; or (2) whether a benefit from a monetary or financial standpoint will result to any member of the Board of Education or their immediate family members or the employees of the district, including the district's architects and attorneys or their immediate family members, as a result of the contract in question. If the Board of Education determines that either of the above two conditions exist, then the Board shall take all such action as is necessary to eliminate or avoid the conflict or potential conflict of interest.
- B. This policy is supplemental to any statutes, regulations, or case law governing conflicts of interest involving school districts and the agents, Board of Education members, employees, and representatives of school districts.
- C. The term "immediate family" under this policy shall mean spouse, child, child's spouse, parent, parent's spouse, grandchild, grandchild's spouse, grandparent, grandparent's spouse, brother, brother's spouse, sister, sister's spouse, niece, nephew, uncle, and aunt.

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