

# **DELTA STATE PUBLIC PROCUREMENT**

## **COMMISSION LAW**

### **PART XII - CODE OF CONDUCT**

#### **Code of Conduct for public Procurement**

58. (1) The Commission shall, with the approval of the Council stipulate a Code of Code of Conduct for all public officers, suppliers, contractors and service providers with regard to Conduct for the standards of conduct acceptable in matters involving the procurement and disposals of public assets.

(2) The conduct of all persons involved with public procurement, whether as officials of the Commission, a procuring entity, supplier, contractor or service provider shall at all times be governed by principles of honesty, accountability, transparency, fairness and equity.

(3) All officers of the Commission, members of Tender Boards and other persons that may come to act regarding the conduct of public procurements shall subscribe to an oath as approved by the Council.

(4) These principles shall apply at all times, particularly when:

(a) making requisition for or planning of procurements;

(b) preparing solicitation documents;

(c) receiving offers in response to any form of solicitation towards a procurement or disposal;

(d) evaluating and comparing offers in confidentiality and in complete neutrality;

(e) protecting the interest of all parties without fear or favour; and obviating all situations likely to render an officer vulnerable to embarrassment or undue influence.

(5) All public officers shall handle public procurement and disposal of assets by:

(a) ensuring adequate time for preparing officers; and

(b) complying with this Law, and all derivative regulations.

(6) All public officers involved in public procurement and disposal of assets shall maintain the highest standards of ethics in their relationship with persons, real or corporate, who seek government commerce whether as a bidder, supplier, contractor or service provider by developing transparent, honest and professional relationships with such persons.

(7) Every public officer involved directly or indirectly in matters of public procurement and disposal of assets shall divest himself of any interest or relationships which are actually or potentially detrimental to the best interest of Government and the underlining principles of this Law.

(8) Any person engaged in the public procurement and disposal of asset who has assumed, or is about to assume, a financial or other business interest that might involve a conflict of must immediately disclose same.

(9) Such a declaration shall be given due consideration at the relevant level as is necessary so that where it is seen that remedial action is taken conflict of interest is present.

(10) A conflict of interest exists when a person:

- (a) possesses an interest outside his official duties that materially encroaches on the time or attention which should otherwise be devoted to the affairs of Government;
- (b) possesses a direct or indirect interest in or relationship with the bidder, supplier, contractor or service provider that is inherently unethical or that may be implied or construed to be or make possible gain due to the person's ability to- influence dealings.
- (c) entertain relationships which are unethical; rendering his attitude partial towards the outside for personal reasons or otherwise inhibits the impartiality of the person's personal judgement.
- (d) places by acts or omissions the procuring entity he represents or the government in an equivocal embarrassing or ethically questionable positions.
- (e) entertain relationships compromising the reputation or integrity of the procuring entity he represents or the government.
- (f) receive benefit by taking personal advantage of an opportunity that properly belongs to the procuring entity he represents or government.
- (g) creates a source of personal revenue or advantage by using public property which comes into his hands either in the course of his work or otherwise;
- (h) disclose confidential information being either the property of his procuring entity, the government or to a supplier, contractor or service provider to an unauthorized person.

(11) A person involved in the disposal of assets shall neither by a third party nor by himself be interested in any manner in buying directly or indirectly these assets and shall not have or obtain any type of advantage or revenue from the disposal for a period of three years after the disposal.

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