

# Code of Conduct for Procurement

## 1. Introduction

All persons, both staff of UrbanGrowth NSW Development Corporation (**UGDC**) and persons external to UGDC, participating in a UGDC procurement process including tenders and direct negotiations (**Participants**) are required to abide by this Code of Conduct. This is in addition to the requirement to comply with:

- the *NSW Procurement Policy Framework*; and
- the *NSW Code of Practice for Procurement*,

and, if a UGDC staff member:

- UGDC's Code of Conduct;
- UGDC's Procurement Policy; and
- UGDC's Statement of Business Ethics.

Procurement and contracting are areas where, even with the very best of intentions, significant ethical problems can arise unless those involved are fully aware of the potential pitfalls and take conscious action to avoid them.

This Code of Conduct for Procurement sets out the standards of behaviour and responsibilities of Participants. If a Participant is unclear about any aspect of this Code of Conduct they should discuss the concern with the chairperson of the relevant procurement committee or contact the Project Manager.

## 2. Accountability

Participants are responsible for obtaining maximum possible value for money for the goods and/or services procured. Consistent with an environment of professionalism and fair dealing, all Participants should take reasonable steps to ensure that the information on which decisions or recommendations is based:

- is well thought out, correct and complete;
- excludes irrelevant information or unsubstantiated opinions;
- is fully and properly documented; and
- minimises any personal bias or influences.

Participants finding unethical or suspected unethical behaviour or practices should immediately inform the chairperson of the relevant procurement committee or the Project Manager. If the behaviour is by the chairperson or Project Manager, then Participants should report it another UGDC manager or executive.

If a Participant is a UGDC staff member and believes that the behaviour is corrupt conduct, a serious and substantial waste of public money, serious maladministration, or government information contravention, then the concerns should be reported in accordance with UGDC's policy for managing public interest disclosures.

## 3. Confidentiality

The confidentiality of UGDC's information relating to its current or future procurement activities must be maintained. Tender or quotation details and any other material provided to Participants may be commercial-in-confidence or otherwise confidential, must be kept secure and not disclosed to any supplier, competitor or third party, or to any person in the public sector who has no official interest in the particular procurement process. The requirement for confidentiality does not cease with the award of the contract/agreement concerned.

Information relating to the outcomes of procurement processes must be disclosed in accordance with the *Government Information (Public Access) Act 2009*. Premier's Memorandum 2007-01 *Public Disclosure of Information arising from NSW Government Tenders and Contracts* provides guidance on the disclosure of information arising from government tenders and contracts.

#### 4. Misuse of Information

Participants must not use information obtained in the course of their involvement in a procurement process to gain any direct or indirect advantage for themselves or any party other than the NSW Government.

#### 5. Conflicts of Interest

Participants must disclose in writing to the chairperson of the relevant procurement committee, if they become aware of any private interest that may conflict with their duties relating to the procurement process.

For example:

- the Participant's family member or relative works for a company that is in negotiations or tendering for a supply of goods or services;
- the Participant is offered employment by a company that is participating in a procurement process; or
- the Participant, or a family member, holds shares in one or more companies in pursuit of a contract.

If the conflict is not serious, no action beyond disclosure may be required. If the conflict is serious, it may be necessary for the Participant to be fully removed from the process. Conflicts of interest may lead to improper decision making, which may constitute corrupt conduct.

All nominees to an opening or evaluation committee must complete a declaration of interests and confidentiality form prior to their appointment and must advise of any further conflicts of interest that arise during the procurement process. The convenor of the committee will decide how any conflict of interest will be managed. All declarations of interest are to be retained on file with the procurement process documentation.

#### 6. Gifts, Benefits and Hospitality

Participants must not accept gifts, benefits or hospitality of any form that could be perceived as influencing their duties in relation to a procurement process. UGDC staff must abide by UGDC's Gifts, Benefits and Hospitality Policy.

Gifts, benefits, and hospitality can include monies, credits, discounts, seasonal or special occasion presents, edibles, drinks, appliances or furnishings, clothing, loans of goods or money, tickets to events, dinners, parties, transportation, vacation travel or hotel expenses and any other form of entertainment.

In particular:

- Participants must avoid giving any indication that gifts, benefits or hospitality will be accepted, or that these may influence decisions.
- Participants must refuse any gifts or hospitality offered during a procurement process and should immediately inform the chairperson of the relevant procurement committee or Project Manager of the offer.
- It is unethical for Participants to accept any offers of gifts, gratuities and hospitality from suppliers on behalf of spouses, relatives or friends.

## Policy Control

Policy information			
Policy approver	Chief Executive Officer		
Policy owner name	Manager Procurement		
Policy delegate name/s	Procurement		
Policy version number	1.0		
Policy version date	31 August 2017		
Policy review cycle	2 years		
Next policy review date	August 2019		
Policy location	Internal use only		
Linked artefacts			
Linked documents	Code of Conduct Public Interest Disclosure Policy Fraud and Corruption Control Policy Gifts, Benefits and Hospitality Policy		
Linked legislation	<i>Public Sector Employment and Management (Goods and Services) Regulation 2010</i> <i>Government Sector Employment Act 2013</i> <i>Government Sector Employment Rules 2014</i> <i>Independent Commission Against Corruption Act 1988</i> <i>Public Finance and Audit Act 1983</i> <i>Public Works and Procurement Act 1912</i> <i>State Records Act 1998</i>		
Linked risks	Reputational Regulatory		
Revision history			
Version	Approval date	Author	Description
1.0		Legal	New Policy