



## PURPOSE

This policy describes the management of probity during the entire procurement and contract management process, and outlines the principles of probity and ethical behaviour.

For government procurement, probity is following a fair and transparent procurement process and observing ethical behaviour based on honesty and integrity, ensuring all potential tenderers have access to the same information.

## SCOPE

This guideline applies to all Departmental employees involved in a procurement or contract management process, as well as any person contracted to the Department as contractor or consultant.

## POLICY STATEMENT

- 1 Probity during the procurement process is documented as follows:
  - for simple procurement (below \$220,000) or where there is no separate Evaluation Plan, the probity process is managed in accordance with Appendix 1 of this policy; or
  - where required under the State Procurement Board Guidelines for high risk / value procurement, a separate Probity Plan is prepared;
  - otherwise, the probity requirements for a tender are described in an attachment to the Evaluation Plan.
- 2 Where it is necessary to engage a Probity Auditor, the auditor shall be managed in accordance with policy [PR114](#) "Engagement of Probity Auditors".
- 3 The *Evaluation Chairperson* is responsible for ensuring that:
  - the tendering process is managed in accordance with this procedure and the specified probity process; and
  - the confidentiality and conflict of interest requirements comply with policy PR115 "Confidentiality and Conflict of Interest".

- 4 For high value / risk procurement, all Departmental staff involved in the evaluation (and any others engaged to assist with the process) **must** sign a Conflict of Interest and Confidentiality Agreement using the template [PR115-1](#).
- 5 At all times, procurement shall follow the principles outlined in the State Procurement Board - Probity and Ethical Procurement Guideline and Appendix 2 "Probity Principles". The principles in Appendix 2 may be either referenced in an Evaluation Plan or attached as an appendix to an Evaluation Plan.
- 6 In the event that an issue relating to probity or ethical behaviour develops (e.g. a potential conflict of interest), the Director, Procurement & Contracting has the authority to make a final determination on the matter.

## DEFINITIONS

All definitions not specific to this policy are available in the Procurement Governance & Policy [Glossary of Terms](#). Defined terms are in *italics*.

## REFERENCES AND RELATED DOCUMENTS

[State Procurement Board - Probity and Ethical Procurement Guideline](#)

## DOCUMENT APPROVAL

Approval Date:	14 November 2017
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Policy Contact Officer:	Team Leader Policy
Policy Custodian:	Manager Procurement Governance & Policy
Division:	Finance & Procurement
Policy Owner:	Chief Executive

## **APPENDIX 1: PROBITY REQUIREMENTS FOR SIMPLE PROCUREMENT**

### **1. General**

The evaluation will be carried out in accordance with the probity principles outlined in Appendix 2 “Probity Principles”.

The *Evaluation Chairperson* is accountable for ensuring that the evaluation process is undertaken in accordance with these principles and the requirements of this section. The *Evaluation Chairperson* will ensure that all evaluation panel members and advisors are aware of their probity obligations and arrange a briefing on the subject if necessary.

### **2. Probity Advisor**

A Probity Advisor has not been deemed necessary for this project; however in the event of an irregularity occurring or advice is required, an auditor from Internal Audit or the DIT Probity Advisor Panel may be engaged to review and report or advise on the issue.

### **3. Confidentiality and Conflict of Interest**

Confidentiality and conflict of interest will be managed in accordance with policy [PR115](#) “Confidentiality and Conflict of Interest”.

All Panel members shall ensure that:

- They have no real, potential or perceived conflict of interest
- They will maintain and treat all information as ‘commercial in confidence’ throughout the evaluation and post evaluation phases
- They will notify the *Evaluation Chairperson* immediately should a conflict of interest arise or a breach of conduct occurs.

### **4. Close of Submissions**

Submissions will be received in accordance with DPTI procurement policy [PR360](#) “Receipt and Opening of Tenders” and [PR361](#) “Late Tenders”.

### **5. Evaluation of Submissions**

The evaluation process will comply with the requirements specified in the RfT documents for the assessment of submissions. A copy of each submission shall be forwarded to each member of the evaluation panel, who will keep it either in their office or in their direct possession at all times. This level of security is deemed to be appropriate considering the value and risk associated with the contract.

Submissions or excerpts of the submissions may only be sighted by the Panel Members, a Procurement & Contracting Approved Officer, any technical expert engaged and those officers with delegated authority under DP001 to approve the contract.

## **APPENDIX 2: PROBITY PRINCIPLES**

The Department aims to promote open and fair competition in contracting and procurement by:

- (a) Conducting all dealings with suppliers in an honest and impartial manner that does not allow conflicts of interest.
- (b) Ensuring open and competitive tendering through public scrutiny of the process and by providing all suppliers with equal opportunity to do business with government.
- (c) Including evaluation criteria and methodology in requests for tender or quotation to assist suppliers to understand requirements and offer their best solutions.
- (d) Conducting pre-tender meetings where necessary to explain and consult on all aspects of the tender, including the specification, contract conditions, evaluation methodology and process.
- (e) Ensuring a transparent decision making process and provide feedback on procurement decisions.
- (f) Providing all suppliers with the same information.
- (g) Ensuring adequate records of transactions/meetings be kept so as to provide an audit trail.
- (h) Ensuring integrity at all times in the procurement process.
- (i) Ensuring that specifications promote open and fair competition by:
  - Focussing on expected outcomes.
  - Clearly defining functional and performance requirements.
  - Not being biased in favour of a particular supplier and product.

Ethical behaviour and fair dealing is achieved by Departmental staff / representatives:

- (a) Performing their tasks honestly, without favour or prejudice.
- (b) Ensuring that public money is spent efficiently, effectively and in accordance with legal requirements and government policy.
- (c) Ensuring they deal impartially and consistently with suppliers and observe confidentiality of all commercial matters.
- (d) Ensuring that private interests do not conflict, or appear to conflict, with their public duties.
- (e) Not accepting or seeking gifts or other favours.
- (f) Providing prompt and courteous response to all enquiries.