



CENTRAL PROCUREMENT OFFICE
MINISTRY OF FINANCE & ECONOMIC DEVELOPMENT
CAYMAN ISLANDS GOVERNMENT

Draft Code of Conduct for Procurement



Effective Date

This *Code of Conduct for Procurement* will come into effect soon.

Application

This *Code of Conduct for Procurement* provides all those involved in the procurement process, public officers and suppliers alike, with a clear statement of mutual expectations to ensure a common basic understanding.

It is framed by the principles set out in *The Procurement Law 2016*, *The Procurement Regulations*, *Public Service Values* and *Code of Conduct* and *The Public Service Management Law (2013 revision)*.

The government expects that all those involved in the procurement process will abide by the provisions of this *Code of Conduct for Procurement*. As such, public officers will attest to this by signing the *Code of Conduct for Procurement Agreement* attached as Appendix 1. All suppliers will be required to make a similar attestation as part of their bid submission.

The Procurement Process

The Cayman Islands Government spends over 100 million dollars a year on the procurement of goods and services. The government has a responsibility to maintain the confidence of the supplier community and the public in the procurement system, by conducting procurement in an accountable, ethical and transparent manner.

A conflict of interest (COI) is a situation in which the public officer has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the public officer uses his or her office for personal gain.

A conflict of interest may be:

- real - exists at the present time;
- apparent - could be perceived by a reasonable observer to exist, whether or not it is the case; or
- potential – could reasonably be foreseen to exist in the future.

Personal gain or interests may be based on:

- pecuniary interest – a financial interest, or a financial benefit or financial disadvantage;
- indirect pecuniary interest – where a person with whom you have a close relationship has a financial interest; or
- non-pecuniary bias – a predisposition towards a certain outcome based on some emotional or other interest.

Preventing, managing or resolving conflict of interest situations is one of the principal means of maintaining public trust and confidence in the impartiality and integrity of the public service.

As public officers involved in the procurement process, we are expected to demonstrate the following behaviours that reflect these values:

Statement of Values and Expected Behaviours

Value	Expected Behaviour
<p>Impartiality – commits us to valuing rights and responsibilities of all stakeholders</p>	<p>We demonstrate impartiality by:</p> <ul style="list-style-type: none"> • exercising professional judgment and discretion to treat all colleagues and external stakeholders with fairness • avoiding real, apparent or potential conflicts of interest when performing our duties • disclosing any conflict of interest that should arise to our employer as soon as possible • removing themselves from any decisions in which a conflict of interest real or perceived may exist
<p>Integrity – commits us to acting with honesty and with actions bearing closest scrutiny</p>	<p>We seek integrity by:</p> <ul style="list-style-type: none"> • ensuring objectivity by not being influenced through acceptance of gifts, hospitality or gratuities that would result in a perceived conflict of interest • acting only in the public interest
<p>Protection & Security of Information – commits us to maintaining public trust and confidence</p>	<p>We ensure protection and security of information by:</p> <ul style="list-style-type: none"> • ensuring confidential or sensitive information remains so • respecting disclosure requirements for information while maximizing openness, wherever possible • maintaining complete record keeping so as to allow Freedom of Information requests to be completed
<p>Service to Government and the Public – commits us to being responsive and meeting expectations</p>	<p>We provide service excellence by:</p> <ul style="list-style-type: none"> • respecting the rules of law, policies and procedures relating to public procurement • providing decision makers with complete analysis to ensure fully informed decision are made
<p>Effective and Ethical Responsibility – commits us to a balanced and appropriate procurement strategy</p>	<p>We accomplish effective and ethical responsibility by:</p> <ul style="list-style-type: none"> • promoting opportunities for local economic development, sustainability and preservation of the natural environment • adhering to labour laws and other social responsibilities

Responsibilities of Suppliers

Suppliers must respond to bid solicitations in an honest, fair and comprehensive manner, accurately reflecting their capacity to satisfy the requirements stipulated in the solicitations, and only submit bids and enter into contracts if they will fulfill all obligations of the contract.

Suppliers should avoid any action that would jeopardize public officers' ability to respect their obligations under the *Code of Conduct for Procurement*.

Suppliers shall comply with applicable Government security and confidentiality requirements.

Suppliers will refrain from offering public officers gifts hospitality or other benefits that may have a real, apparent, or potential influence on their objectivity in carrying out their official duties.

Solicitation and Contract Provisions

All contracts subject to the requirements of this *Code of Conduct for Procurement* and solicitations relating to the formation of those contracts will incorporate clauses:

- prohibiting corruption, collusion, bid-rigging or any other anti-competitive activity in the procurement process
- preventing engagement, either directly or indirectly, in any form of political or other lobbying whatsoever to influence the evaluation or selection process
- requiring the Contractor's consent to publicly disclose basic information about a procurement contract
- stating that the vendor has read and agrees to be bound by the terms of this *Code of Conduct for Procurement*.

Consequences

A breach of the code of conduct by a supplier will constitute grounds for sanctions to be applied which may preclude them from future government bidding opportunities either on a temporary or permanent basis.

Avenues for Resolution

Complaints by suppliers who believe that they may have been unfairly treated during the procurement process by the government may file a complaint using the complaints process as established by the Chief Officer/Chief Executive Officer of the entity concerned. Complaints will be reviewed with the objective of solving them quickly and efficiently. If a satisfactory resolution is not obtained then suppliers may escalate their complaint to the Office of the Complaints Commissioner.

Appendix 1:

Definitions

In this Code of Conduct –

“Pecuniary Interest” is when, if a matter under consideration by government is decided in a particular way you:

- will gain, lose or save money, gain a financial advantage, or suffer a financial disadvantage;
- could be expected to gain, lose or save money, gain a financial advantage, or suffer a financial disadvantage; or
- are reasonably likely to gain or lose money, gain a financial advantage, or suffer a financial disadvantage

“Public Officer” includes an employee of a statutory authority, government company, the Office of the Complaints Commissioner, the Office of the Information Commissioner, the audit office or any other governmental body which is required to comply with this Code.

“Supplier” means any person who has submitted a bid, offer or arrangement or who may submit a bid, offer or arrangement or who has been awarded a contract, including subcontractors, owners, directors, officers, employees, agents, or any affiliated body or any related parties.

Appendix 2:

Code of Conduct for Procurement Agreement

By signing this agreement form, I acknowledge that I have read the *Code of Conduct for Procurement* and discussed my obligations with my supervisor.

As a Cayman Islands Government public officer, I commit to the highest code of conduct standards in performing my professional procurement duties. I will not condone unbecoming conduct and will responsibly speak up against it if I observe it.

Signed on this date of: _____

Signature of Public Officer

Printed Name

As a Cayman Islands Government supervisor, I will ensure the public officers for whom I am responsible understand the conduct risks they may face, and that they have appropriate tools to address these risks. I commit to openly discussing conduct issues and concerns with my own supervisor, as well as with my public officers and colleagues.

Signed on this date of: _____

Signature of Supervisor

Printed Name

A breach of the *Code of Conduct for Procurement* will constitute grounds for disciplinary action in accordance with the *Public Service Management Law, (2013 revision)*, and its attendant regulations.