

Ethics, Probity and Accountability in Procurement

Queensland Purchasing,
Department of Public Works
Crime and Misconduct Commission

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

Foreword

Ethics, Probity and Accountability in Procurement provides best practice guidance to assist Queensland Government agencies and employees in conducting procurement.

Queensland Government employees must apply the highest levels of ethical behaviour in all areas of their work. This is particularly important in procurement which involves the expenditure of public money and is subject to more than usual public scrutiny.

Probity means integrity, uprightness and honesty. Maintaining probity in procurement involves more than simply avoiding corrupt or dishonest conduct. It means ethical behaviour that upholds public values and ensures impartiality, accountability and transparency.

Transparency and accountability in procurement gives suppliers confidence to participate in the Government marketplace. An ethical culture minimises the cost of managing risks and enhances confidence in public administration.

Ensuring probity of action is part of every public official's duty, with the adoption of processes, practices and behaviour that enhance and promote public sector values and interests.

This guide, together with agency *Codes of Conduct* and the other resources available from the Crime and Misconduct Commission and Queensland Purchasing (Department of Public Works) is an essential reference for all Queensland Government employees who become involved in procurement



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Acknowledgements

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- Victorian Government Purchasing Board (Department of Treasury and Finance), *Probity Policy and Guidelines: Government Tendering Projects*, May 2001.
- New South Wales Independent Commission Against Corruption, *Probity and Probity Advising*, November 2005.
- Commonwealth Government, *Guidance on Ethics and Probity in Government Procurement (Financial Management Guidance No. 14)*, January 2005.

Feedback

Your feedback about this guide is valued. Please contact Michelle Lavery, Queensland Purchasing, on telephone (07) 3405 5125 or email michelle.lavery@qp.qld.gov.au

Ethics in procurement

Ethics are the moral principles or values that guide officials in all aspects of their work. Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust and respect. Ethical behaviour includes avoiding conflicts of interest, and not making improper use of an individual's position.¹

Queensland public sector employees must comply with the:

- ethical obligations imposed by the *Public Sector Ethics Act 1994*; or
- ethical obligations imposed by the *Government Owned Corporations Act 1993*; and
- standards of conduct imposed by their agency's Code of Conduct.

The *Public Sector Ethics Act 1994* establishes the following fundamental ethical obligations.

- respect for the law and system of government;
- respect for persons;
- integrity;
- diligence; and
- economy and efficiency.

The standards of conduct applicable to employees are outlined in agency Codes of Conduct that set out standards of conduct consistent with the above ethics obligations. Queensland Government employees must be familiar with these standards and comply with them.

Ethical behaviour supports openness and accountability in procurement with the result that suppliers have confidence in participating in the Government marketplace. Ethical behaviour can reduce the cost of managing risks and enhance trust in public administration.

In practice...

Ethical decisions in the public sector

The Crime and Misconduct Commission (CMC) suggests that Queensland public sector employees ask themselves the following questions when making ethical decisions:

1. Is the action legal and consistent with Government policy?
2. Is the action in line with my agency's goals and Code of Conduct?
3. Do I think it's the right thing to do?
4. What will be the outcomes for: the agency, my colleagues, other parties and me?
5. Can I justify doing it?
6. What would happen if the action was publicly scrutinised?

¹ Commonwealth Government, 'Guidance on Ethics and Probity in Government Procurement' January 2005.

Probity in procurement

The State Purchasing Policy requires that Queensland Government agencies conduct their procurement activities with the utmost probity. Each agency is to ensure that its procurement is carried out in accordance with such obligations as may be placed upon it by the:

- *Financial Administration and Audit Act (Qld) 1977*;
- *Financial Management Standard (Qld) 1997*;
- *Public Sector Ethics Act (Qld) 1994*;
- the State Purchasing Policy; and
- such other legislative or Government policy obligations as may from time to time apply to the procurement activities of the agency.

Probity is the evidence of ethical behaviour in a particular process. The term probity means integrity, uprightness and honesty. For Queensland Government employees and agencies, maintaining probity involves more than simply avoiding corrupt or dishonest conduct. It involves applying public sector values such as impartiality, accountability and transparency. Ensuring probity in public sector activities is part of every public official's duty to adopt processes, practices and behaviour that enhance and promote public sector values and interests.

A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Government policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.

Probity principles should be integrated into all procurement planning, and should not be a separate 'bolt-on' consideration. Procurement must be conducted with probity in mind to enable purchasers and suppliers to deal with each other on the basis of mutual trust and respect and enable business to be conducted reasonably and with integrity. Achieving an ethical, transparent approach requires that the procurement rules be clear, open, well understood and applied equally to all parties to the process.²

The broad objectives of probity in procurement are to:

- provide accountability;
- maintain public sector integrity;
- ensure compliance with processes;
- ensure that all offers³ will be evaluated against the same criteria;
- preserve public and supplier confidence in Government processes;
- minimise potential conflicts and the potential for litigation;
- ensure the procurement activity provides the best outcome; and
- avoid the potential for misconduct, fraud and corruption.

Even the best probity processes do not guarantee that a project or activity will be immune from problems or criticism.⁴ Mistakes, delays and disputes can still arise despite the best efforts to ensure good management of probity risks. However, adopting best practice procurement procedures will minimise such situations and limit the potential adverse consequences.

² Commonwealth Government, 'Guidance on Ethics and Probity in Government Procurement', January 2005.

³ 'Offer' means an offer submitted by an Offeror in response to an Invitation, including subsequent modifications. Also known as 'tender' or 'bid'.

⁴ New South Wales Independent Commission Against Corruption, 'Probity and Probity Advising', November 2005.

In practice...

Risks and consequences

Public sector employees have an obligation to act ethically and in the public interest at all times. There may be occasions where an officer may, through their actions or roles, be the subject of accusations of:

- **Fraud** - The false representation of facts with an intention to deceive or enable some person or organisation to gain an unfair advantage. This includes the falsification of documents and the certification as to the trueness of statements known to be wrong.
- **Theft** - Stealing or dishonest misappropriation of money or property.
- **Corruption** - Acceptance of any gift or consideration as an inducement or reward. Robust procedures and processes that demonstrate strong probity principles will minimise the potential for officers to be exposed to such risks and allegations.

Principles of probity in procurement

Queensland public sector employees must comply with the following four inter-linked principles of probity in procurement:

- fairness and impartiality;
- accountability and transparency of process;
- confidentiality and security of information and materials; and
- effective management of conflicts of interest.

Fairness and impartiality

Offerors⁵ often invest considerable time, effort and resources in preparing and submitting offers (especially for large contracts). In return, they are entitled to expect fair treatment at every stage of the procurement process.

If offerors consider that the process is not impartial and honest they may withhold valuable ideas or be deterred from offering for future Government contracts.

Any form of bias could jeopardise the integrity of the procurement.

There is a further risk that offerors who believe the process to be prejudiced or the outcomes tainted by bias will take legal or other action to redress the situation. Regardless of the results, this can cause delays and result in financial costs not anticipated in the budget.⁶

How is fairness and impartiality achieved?

The following attributes should be evident in the procurement process:

- Material should be available to all interested parties within the same time frame, and each offeror should have access to the same material (that is not commercial in confidence).

⁵ Offeror means a person, business, corporate or other entity who submits an Offer. Also known as 'tenderer' or 'bidder'.

⁶ New South Wales Independent Commission Against Corruption, 'Probity and Probity Advising', November 2005.

- Each offer must be given due consideration and be treated objectively with no conflicts of interest or bias towards certain offerors.
- All material communication with stakeholders should be carried out in the same timeframe and in the same substantive manner. The most appropriate mechanism should be selected according to what is being communicated, to whom, and the urgency of the communication.
- Additional information or clarification arising from individual offeror requests should be provided to all potential offerors so that they have the same information on which to offer.
- Where feasible, information should always be provided in writing, whether in hard copy or electronic form.
- Notifications to offerors should be provided in a timely fashion. For example, once the successful offeror has been appointed, all unsuccessful offerors should know the results as soon as possible. Agencies need to consider the most effective way of notifying offerors, taking into account postal delays, particularly if there are international offerors.
- Request for Offer documentation should clearly detail the conditions of offer, conditions of supply and evaluation criteria and be equally available to all interested parties. Well defined conditions of offer give suppliers a clear indication of requirements and prevent the unproductive use of resources through the lodgement of unsuitable or misdirected offers.
- Request for Offer documentation must clearly identify and separate the mandatory conditions from those evaluation criteria that are 'desirable' or 'optional'. The mandatory conditions should be well targeted, clearly measurable, and not excessive in number.
- Request for Offer documentation should list any 'desirable' criteria in order of relative importance to assist suppliers in structuring their offer.
- An extension notice to an offer closing date must be provided to all potential offerors in sufficient time to reach them before the originally published closing date and time.
- The adoption of selection criteria that do not selectively advantage or disadvantage a particular party and which are based on objective measures that meet the primary procurement needs.
- Weightings for the evaluation criteria must be documented during the planning/preparation stage, prior to offers being invited.
- Selection criteria and performance specifications must not be changed midstream unless all offerors are given an equal opportunity to revise their offers and approval for any changes is obtained at an appropriate level. If the changes are substantial then a recall of offers may be warranted.
- Decisions on the selection of suppliers must be made by independent and objective evaluation against the nominated evaluation criteria and supply conditions.
- Officers involved in the various procurement stages and processes should not be those who approve the spending of public money.⁷

⁷ Commonwealth Government, 'Guidance on Ethics and Probity in Government Procurement', January 2005.

Hint – Managing innovation

A procurement activity may call for innovative solutions to fulfil a need. It is not necessary that all offerors deliver the same solution, but they must meet the mandatory selection requirements. For example, a Request for Offer may focus on the outcomes required without specifying the process. This enables offerors to submit innovative proposals.

Agencies should consider the best method for dealing with innovative solutions, including processes for combining innovation with mandatory elements. This approach may require:

- extra features to be evaluated separately; or
- a two-stage procurement process where expressions of interest can be sought to allow the supplier to focus on providing the best solution separately from price.

Accountability and transparency of process

Accountability and transparency are related concepts. Demonstrated accountability and transparency reduces the likelihood of unethical behaviour, reassures the community and instils confidence in all stakeholders concerning the integrity of decisions.

Transparency refers to the openness of a procurement activity to scrutiny by interested parties. It involves providing documented reasons for decisions and the provision of appropriate information to relevant stakeholders.⁸

Transparency also underpins the principle of open competition. The awarding of a contract should not be decided from a pre-registered list or from expressions of interest, unless this is part of a rigorous process of prequalification based on full information, predetermined specifications, market research and prior assessment no less demanding than competitive tendering.

In probity terms, opening an activity to scrutiny means scrutinising the process and not necessarily the specific contents of documentation. This has particular significance when dealing with matters involving commercial confidentiality (refer to ‘Confidentiality and security of information and materials’ on page 8).

What is accountability for outcomes?

Accountability and transparency are fundamental to the work of public sector organisations and public officials. *Accountability* is the obligation to account for the way particular duties have been performed. Accountability for outcomes in procurement is being able to explain how the procurement has achieved its anticipated outcomes.

Accountability shows how the public interest has been protected in the expenditure of public funds. In the context of the State Purchasing Policy, accountability means being able to demonstrate how an agency has achieved its procurement objectives in a manner consistent with the objectives of the Policy.

How is accountability and transparency achieved?

Accountability and transparency will be the outcome of a well-structured process that incorporates the following elements:

- Procurement activities and decisions that are open to reasonable scrutiny and are able to withstand a ‘public defensibility’ test in the context of fairness, equity and value for money.

⁸ New South Wales Independent Commission Against Corruption, ‘Probity and Probity Advising’, November 2005.

- Arrangements that enable agencies and individual procurement officers to justify decisions made and actions taken in complying with:
 - legislative requirements including those established by the:
Financial Administration and Audit Act 1977;
Financial Management Standard 1997; and
Public Sector Ethics Act 1994.
 - the agency's Code of Conduct;
 - the State Purchasing Policy;
 - the agency's procurement procedures;
 - the agency's Corporate Procurement Plan; and
 - the identified requirements of the particular procurement exercise.
- Appropriate separation of functions and responsibilities.
- Timely response to a legitimate request for information.
- Compliance with relevant financial and other delegations.
- Appropriate management reporting and evaluation processes.
- Accurate record keeping with appropriate records being maintained throughout the procurement process. These should include evaluation criteria, weightings, decision-making processes and decisions made, and notes regarding communication with offerors. The records should provide sufficient information to enable internal audit, as well as external audit and other independent review functions. The type and detail of information recorded will depend on the complexity or sensitivity of the particular procurement issue.
- Development of 'Agency Purchasing Procedures' that incorporate and promote probity principles.
- Awareness training of all staff in general procurement procedures with specific training of officers who participate in procurement processes.
- Firm adherence to established procedures except for cases with clearly justifiable and well-documented reasons. These reasons should be approved at a senior level by those who have the appropriate delegations and who are not directly involved in the procurement process.
- The evaluation of offers, submissions, expressions of interests etc, by more than one person, including suitable internal and external experts to ensure sound and accountable decision-making.
- The appointment of a probity advisor who can provide advice about the integrity of the proposed process (refer to section 'Probity advisors and probity auditors') where deemed desirable for large, complex or controversial contracts.
- The use of documentation that will elicit the information necessary for proper evaluation of proposals under each of the selection criteria based on objective measures of performance.
- The evaluation of offers on a consistent basis, using predetermined criteria that are established and documented prior to calling for offers, and which are made available to all potential offerors.
- Implementation of measures to protect confidential information with no information released during the process that will selectively benefit or disadvantage particular offerors.
- Regular and systematic monitoring of the supplier's performance to determine whether requirements are being satisfied.
- An evaluation of outcomes and performance at the end of the contract taking into account the complexity, quality, duration, cost and any other key issues relating to the supply. Outcomes should be measured against the stated objectives.⁹

⁹ New South Wales Independent Commission Against Corruption, 'Probity and Probity Advising', November 2005.

Confidentiality and security of information and materials

The integrity of competitive procurement hinges on maintaining appropriate confidentiality that will protect information and give offerors the confidence to do business with Government. Confidentiality has many dimensions and confidentiality of submissions is particularly important prior to the awarding of the contract with information shared only on a 'need to know' basis.¹⁰

Confidential information may include designated or defined (and as agreed) elements of the supplier's proposal, specific intellectual property and offeror's pricing structures. Importantly, much of the information relating to the offer needs to be kept confidential up to the point where a contract is signed with the successful offeror.¹¹

How is confidentiality and security achieved?

A range of measures is available to ensure confidentiality and security, which should be commensurate with the size, complexity and risk of the procurement activity. The measures may include:

- Defined document management and control procedures including physical security of submissions (and related documents) and confidentiality of commercial information. The security procedures should be documented and staff kept fully informed.
- Establishing clear physical security measures for the handling of documents including use of the tender box or room; keeping a document register; providing secure storage and working areas; limiting the number of document copies; restricting access to controlled documents to authorised personnel; and ensuring strict movement controls on all offer-related documents.
- Implementing documented procedures for electronic security including information storage and communication processes. This should include controls over electronic delivery of submissions, and protection of data stored on networks, including segregation of hard drives storing confidential information from network resources, and the use of independent security passwords. Other security measures are transmitting documents as password protected files to prevent alterations and verification procedures to ensure correct transmission of emails and attachments to potential offerors.
- Obtaining specific advice from security experts or from a probity advisor (if appointed).
- Apart from the general obligations to maintain confidentiality during procurement, explicit provisions should be in place to cater for the handling of commercially sensitive material received from offerors. This may involve identifying specific information, protecting related materials and even contractual provisions covering the use and release of intellectual property.

In practice...

What should you do at a social event?

Personnel involved in a procurement process should avoid social events held by potential suppliers immediately prior to and during the process, or at any time when it might be seen as compromising the activity.

If social contact occurs, care must be taken to avoid any discussion about the procurement and if questioned directly, the person concerned should be advised that the matter cannot be discussed. Public officers are subject to their agency Code of Conduct and the *Public Sector Ethics Act*. A breach of confidentiality may involve misconduct liable for disciplinary action and the breach of public trust may also result in action being taken under the *Crime and Misconduct Act*.

¹⁰ Commonwealth Government, 'Guidance on Ethics and Probity in Government Procurement', January 2005.

¹¹ New South Wales Independent Commission Against Corruption, 'Probity and Probity Advising', November 2005.

Effective management of conflicts of interest¹²

A conflict of interest involves a conflict between a public official's duty to serve the public interest, and the public official's private interests.

There are three types of conflict of interest to be aware of:

- An **actual** conflict of interest – where an officer is in a position to be influenced by their private interests when doing their job.
- A **perceived** conflict of interest – where an officer is in a position to **appear** to be influenced by their interests when doing their job.
- A **potential** conflict of interest – where an officer is in a position where they **may** be influenced **in the future**, by their private interests when doing their job.

A poorly-managed perceived conflict of interest can be just as damaging as a poorly-managed actual conflict of interest. Public sector officers must not only behave ethically, they must also be seen to behave ethically.

Private interests

The term 'private interests' includes not only the personal, professional or business interests that an officer may have, but also the personal, professional or business interests of the individuals or groups that the officer associates with. This might include relatives, friends or even rivals and enemies.

In other words, private interests are those interests that can bring either benefits or disadvantage to the officer, or to others whom the officer may wish to benefit or disadvantage.

Such interests can involve an actual or potential financial gain or loss and can involve property, shares, unpaid debts, or some form of gift or benefit – including a job opportunity or secondary employment.

Other private interests may not have a financial component, but could involve personal or family relationships or sporting, social or cultural activities that could influence an officer's judgement or decision.

Public duty to serve the public interest

The 'public interest' is the collective interest of the entire community – not the sum of individual interests or the interest of a particular group.

All public sector officers have a public duty to put the public interest above their own personal or private interests when carrying out their official duties. This principle applies to anyone engaged to deliver government programs and services, whether as a full- or part-time employee, casual or contract staff member, board member, consultant or volunteer.

When interests conflict

While conflicts of interest should be avoided wherever possible, conflicts often happen without anyone being at fault. Public officials are also individuals, and there will be occasions when an officer's own private interests may come into conflict with their public duty to put the public interest first.

Conflicts of interest are not wrong in themselves, but they should be properly identified and declared, and effectively and transparently managed.

It is when a conflict of interest has been ignored, improperly acted on, or has influenced actions or decision making, that the **conduct** (not the conflict itself) could be seen as misconduct, abuse of office or even corruption.

¹² This section is based upon the 'Managing Conflicts of Interest in the Public Sector Guidelines' (2004) jointly produced by the Crime and Misconduct Commission (Qld) and the Independent Commission Against Corruption (NSW), 2004.

The following are some examples of conflicts of interest. If an officer's public duty requires them to become involved in any decision or action regarding the matter, where the officer:

- owns property, the value of which may be altered by their agency's activities;
- has shares in a family business that offers for a contract with their agency;
- is offered a benefit in the course of carrying out their work-related duties;
- holds secondary employment with an organisation that is applying to the agency for a related consideration;
- has a strongly held personal conviction on an issue that is being considered by the agency; and/or
- orders goods for a private business and improperly accesses government procurement arrangements.

Managing conflicts of interest

Statement of Interests

All public officials and contractors involved in an agency's procurement activity should register a formal Statement of Interests with the agency concerned, prior to taking part in the procurement activity.

This Statement of Interests should identify any actual or potential conflicts of interest, and include private interests and associations such as real estate, shareholdings, company trusts, directorships, partnerships, investments, other assets, sources of income, gifts or hospitality, control over other assets, and liabilities.

In particular the Statement of Interests should also include any other private interests which may give rise to a conflict of interest, including relationships with organisations that may be potential suppliers, and relationships with people who have material interests in such organisations.

A Statement of Interests does not remove an officer's obligation to disclose a conflict of interest, or to take the appropriate action to resolve or manage a conflict of interest.

It is essential that any conflict of interest be addressed at the earliest stages of a procurement activity. There may be also times when an unforeseen conflict of interest arises during a procurement process.

As soon as the officer concerned becomes aware of a conflict of interest, they must register the conflict of interest and discuss it with their manager or supervisor to determine the most appropriate way of managing the situation. There are several management strategies available:

- **Register** – where details of the conflict of interest are declared and registered. (In low-risk situations this single strategy may be sufficient.)
- **Restrict** – where restrictions are placed on the officer's involvement in the matter.
- **Recruit** – where a disinterested third party is used to oversee part or all of the process that deals with the matter.
- **Remove** – where the officer chooses, or is requested, to be removed completely from the matter.
- **Relinquish** – where the officer relinquishes the private interest that is creating the conflict.
- **Resign** – where the officer resigns from their position with the agency. (This strategy should be considered only if the conflict of interest cannot be resolved in any other workable way.)

The procedures for managing conflicts of interest should be documented in the agency's Conflict of Interest Policy and Code of Conduct, and properly communicated to staff.

In addition, potential suppliers should be required to divulge all potential conflicts of interest at the time they offer to provide services. Failure to make adequate disclosure at any time may be grounds for later ending the contract.

The primary goal of managing conflicts of interest is to ensure that decisions are made – and are seen to be made – on proper grounds, for legitimate reasons, and without bias.

In practice...

Can a procurement officer attend a seminar provided by an offeror?

Attendance by a procurement officer at a public seminar offered by a potential supplier is unlikely to create a conflict of interest. However, the officer must not discuss confidential matters relating to the tender process, and must not use the tender process to obtain a discount on any registration fee. Officers directly involved in the tender process should inform the tender management team as well as their own manager, and gain approval for their attendance at the seminar, which should be fully documented.

Source: Commonwealth Government, Guidance on Ethics and Probity in Government Procurement (Financial Management Guidance No. 14), January 2005.

Probity in procurement at the agency level

Maintaining probity in procurement has implications for both agencies and individual employees, with a range of misconduct risks and potential opportunities for fraud and corruption arising during the various stages of procurement and delivery. Agencies must control and minimise these risks.

Probity considerations should form an integral part of any procurement process and not be a last minute concern. Among the key areas where probity must be incorporated into an agency's procurement systems, policies and procedures are the:

- procurement planning process;
- internal organisation and decision-making processes;
- security and confidentiality arrangements;
- communication with offerors;
- offer evaluation and selection;
- promoting a probity-oriented culture; and
- management of probity issues.

The procurement planning process

The procurement planning process must include strategies to ensure probity across the agency's procurement functions. Two core areas are:

1. Corporate procurement plans

The overall plan should:

- include probity as an objective;
- develop practical strategies for the achievement of probity;
- ensure regular review of relevant procedures and processes;
- promote an ethical culture; and
- promote a culture of fair dealing.

2. Significant purchase plans

These plans should:

- establish means of measuring the outcomes of the particular procurement activity;
- clearly establish who is responsible for different aspects of the procurement activity; and
- include sufficient information to enable the procurement activity and decision-making process to be scrutinised and/or audited.

Internal organisation and decision-making processes

A key element in best practice procurement is to clearly define who is responsible for the different decisions needed at various stages in the process. Agencies should have clearly documented procedures for:

- authorising the documents which set the framework for the offering process (including advertisements for Expressions of Interest, Requests for Offer, etc);
- evaluating offers, preparing recommendations and making decisions about shortlisting and offeror selection;
- managing liaison with offering parties including providing information;
- managing negotiations;
- consulting with agency procurement authorities and other parts of Government which are not directly involved in the management of the offering process but have an interest in its conduct and outcome; and
- resolving probity and process questions as they arise.¹³

Security and confidentiality arrangements

Suppliers need to be confident that commercially sensitive information will not be released to competitors or pass into the public domain as a consequence of the procurement process. Security concerns could deter suppliers from offering or reduce the detail and volume of information provided in support of offers, which would not be in the public interest.

Agencies should establish clear security procedures for handling offer-related documents (that is, offer documents produced by any stakeholders which may contain commercially sensitive information). In particular, the following practices should apply:

- all employees and advisors with access to offer-related information should sign an appropriate confidentiality agreement;
- documents which contain offer-related, commercially sensitive information should be stored at all times under secure conditions with access only by authorised persons holding a direct 'need to know' status;
- few copies of offer-related documents should be produced, and each copy should be numbered and tracked; and
- the security arrangements adopted by the project team should be subject to review by an appropriate person who is independent of the particular process, such as the agency's contracts or procurement manager, auditors or a probity advisor.¹⁴

Communication with offerors

There should be no discrimination between offerors in the provision of information. All offerors should have the same opportunities to access offer-related information provided by the agency. To facilitate equitable information delivery, agencies should establish sound internal processes for controlling and monitoring the flow of information to and from offerors before the offering process commences.

¹³ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

¹⁴ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

Contact points

Only a small number of officers should be authorised to deal directly with offerors. It may be appropriate to nominate a senior officer who can act as the main point of contact and who can authorise others to communicate with offerors if required (for example, extensive contact with offerors may be required during certain stages of the offer process).

Recording discussions

Discussions with offerors should be documented, including minutes of meetings and the content of telephone conversations.

Offer evaluation and selection

A well managed offering process provides consistency in the development and application of evaluation criteria. Offerors will not have confidence in a process where the evaluation criteria are poorly defined, inconsistently applied, or difficult to understand.

Evaluation criteria should be simply and clearly expressed to ensure the supply requirements are met. They should capture all the considerations the agency intends to take into account. It is vital that:

- evaluation criteria are applied objectively to all offers and offerors;
- the evaluation process is documented in advance, with a clear allocation of responsibility between those evaluating the offers, those charged with making recommendations on the selection of the successful or preferred offeror, and those responsible for making final decisions; and
- there is appropriate separation of functions and a hierarchy of analysis and approval to ensure that decisions are scrutinised rigorously and authorised at appropriately senior levels within the agency.

These evaluation, recommendation and decision stages should be comprehensively documented and linked explicitly to the evaluation criteria contained in the offer documentation.

Recommendations as to the successful offeror should be founded on the aggregation and comparative analysis of individual evaluation reports. Full records should be kept on file with a clear document trail which clearly demonstrates how and why specific recommendations were made and decisions taken.¹⁵

Promoting a probity-oriented culture

Having documented probity policies and procedures does not guarantee that agency employees and other personnel involved in procurement activities will understand or embrace them. Awareness and commitment will come from the active promotion of probity and ethics principles, in such a way that they become an integral part of day-to-day operations and decision-making.

The development of clearly worded guidance documents for use as reference material, and education through presentations, seminars and workshops can help to achieve this objective. The Crime and Misconduct Commission (www.cmc.qld.gov.au) provides a range of relevant resource materials and can offer specific assistance where a strategic need is identified.

Management of probity issues

During a procurement exercise, probity issues may arise which have not been anticipated in agency guidelines. If this occurs, the personnel involved should immediately bring the matter to the attention of an appropriate officer for advice and resolution.

¹⁵ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

¹⁶ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

Generally, employees should address any concern in the first instance to their supervisor and/or the head of the project team. Unless the initial probity concern is found to be groundless, the employee(s) involved should document the issue and record who was consulted and how the matter was resolved.¹⁶

Probity in procurement at the employee level

Procurement probity has implications for individual employees, since they could be exposed to a number of risks in dealing with suppliers whose business practices may differ from those of the public sector.

Agency personnel who are involved in procurement are likely to be confronted with situations posing an ethical dilemma. This can occur in any procurement exercise but may have greater impact, significance or be subject to greater scrutiny in procurement activities which are high value, high risk and/or contentious.

Regardless of the procurement value, the highest standards of ethical behaviour must always be exercised to ensure probity of the procurement process.

Managing the key areas of procurement risk

The main areas that give rise to procurement risk and probity concerns are:

- Gifts and benefits
- Consistency and continuity of process
- Communication with offerors
- Conditions of offer and deadlines
- Invitation to offer documentation
- Finalising the contract
- Briefing and debriefing sessions
- Documentation
- Conflict of interest
- Supplier probity

Gifts and benefits

Public officials involved in any aspect of a procurement process are strongly advised not to accept gifts or benefits, as they can be, or may be seen to be, a means of influence that can compromise or appear to compromise integrity and impartiality.

Potential suppliers should be made aware that agency officers (and consultants, advisors and sub-agents) must not solicit and generally may not accept a gift or benefit. If a gift is offered then acceptance must be under the principles contained in the Queensland Government Gift and Benefits Policy www.opsme.qld.gov.au/directives/gifts.htm and any relevant agency policy and Code of Conduct.

Government policy prohibits the offer or acceptance of a benefit if any of the following conditions apply:

- It is intended, or is likely, to cause the recipient or donor to act in a partial manner in the course of their duties; or
- The donor or a reasonable observer could infer that the recipient may be under an obligation to the donor; or
- It is not offered openly; or
- It is an offer of money or anything readily convertible to money; for example, shares.

Case Study

An agency annually purchased a considerable number of photocopiers. Offers were invited and following 'post offer negotiations' a contract was awarded to a supplier for a number of photocopiers. This supplier had not previously been a successful offeror and appeared to display no special attributes to warrant the contract.

Subsequent investigations revealed that the procurement officer was given holiday accommodation and benefits at a coastal resort. In addition a 'sponsorship donation' was made to a sporting organisation in which the officer's daughter was involved so she could apply for and be awarded a personal scholarship.

The procurement officer and supplier were charged and convicted. It was shown that the procurement officer's decision to award the contract was heavily influenced by the supplier's gifts.

Consistency and continuity of process

Application of the principles of competitive neutrality and equity requires that all offerors be given the same access to commercial information and the same guidance and instructions on the conduct of the offer process.

Offering procedures and evaluation processes should be applied consistently so as to prevent any actual or perceived discrimination. Consistency of this kind can best be maintained where clear procedures are documented in advance, where staff are fully briefed, and where there is a strong measure of continuity in the personnel who make up the procurement/project team and its advisors.¹⁷

Communication with offerors

Clear protocols need to be established for meetings with offerors to ensure a uniform approach that sends the same messages to all participants. Best practice procurement uses detailed meeting agendas and authorises particular procurement personnel to speak on specific subjects. Similarly, procedures should be in place to ensure that written communications with offerors are prepared and signed off at an appropriately senior level.

For more information, refer to the Queensland Government Marketplace website at www.qgm.qld.gov.au

Case Study

Records seized during the investigation of a complaint about unfair tendering practices showed e-mails between a departmental officer and the eventual successful offeror more than a month before the offer was publicly advertised.

A number of confidential matters were discussed that the incumbent contractor would have expected to be commercial in confidence and which were not made known to any other potential offerors. Misconduct charges were subsequently brought against the officer.

¹⁷ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

Conditions of offer and deadlines

Adherence to established conditions of offer and closing deadlines is essential in maintaining the integrity of the procurement process. Offerors can be seen to obtain an unfair advantage if they are permitted to have more time to prepare their offer. Similarly, if offers are opened and distributed ahead of the closing date, there is the risk that details of those offers could be passed to other potential offerors.

Offers should be held securely until the nominated deadline for receipt has passed, after which they should be formally opened, recorded and referred to the evaluation panel for processing.

Invitation to offer documentation

Offer documentation including conditions of offer, conditions of supply, specification, and evaluation criteria should not be changed during the course of a procurement process, particularly if no likelihood of change has been indicated in the documentation. Minor changes may be foreshadowed by drafting Requests for Offer so as to allow for some flexibility in meeting agency requirements.

The underlying principle is that suppliers are entitled to submit proposals on the same supply and evaluation basis and require the same information on which to structure their offers. There should be no change in the Request for Offer requirements that can be perceived as favouring or disadvantaging a particular offeror or group of offerors.

However, on occasion, an agency may find it necessary for legitimate reasons to adjust the invitation documentation, including the evaluation criteria. This might occur in a staged offer process, or if indicative offers prompted a review of the basis on which the supply should be sought. It might also be necessary if external factors led to delays in preparing offer documents or providing key information to the market or if rapid technological change altered the competitive landscape.

Where changes are proposed, these should be authorised by appropriate senior agency staff following full consideration of all aspects. In some cases, it may be necessary to terminate the process and undertake a new procurement exercise. In any event, no significant change in the terms of the Request for Offer should be contemplated without first consulting the probity advisor/auditor (if appointed) and other qualified personnel for procedural and legal advice.

Finalising the contract

During the evaluation of offers, procurement staff are likely to be in frequent contact with members of the front-running offering teams. To prevent any risk of 'drifting into a contract' through discussions with an offeror, nothing must be communicated, explicitly or implicitly, to indicate where they stand or that they are successful until all relevant evaluation activities, sign-offs and approvals have been obtained.

Clear procedures for handling communications with offerors are therefore needed for all stages of the procurement process, as well as formalising the approval steps that are required in appointing the preferred or successful offeror. The Request for Offer also should specify exactly how and when the contract will be concluded.

Briefing and debriefing sessions

Briefing and debriefing sessions may be held at different times during the course of procurement. All such meetings should be conducted with appropriate notice and other arrangements to enable effective participation.

All offerors should be notified of the outcome at the same time the result of a procurement process is announced. They should be given the opportunity for a more detailed debrief. At all times the project team must avoid revealing information which may be seen to compromise the confidentiality or commercial interests of any stakeholder.

Documentation

Good record keeping is essential throughout the procurement process. The outcomes of key discussions, data and decisions must be documented and filed in a form which allows those undertaking subsequent reviews of the process to clearly understand how, why, when and by whom the key decisions were made.

For more information refer to the Queensland Government Marketplace website at www.qgm.qld.gov.au

Conflict of interest

Managing conflicts of interest is vital in any procurement activity and the ramifications are so significant that a separate section on *Effective management of conflicts of interest* has been provided in these guidelines on pages 9 to 11.

Supplier probity

A focus on internal probity issues should not overshadow the importance of external probity issues related to the business practices, past conduct and performance of offerors. Regardless of how well the procurement process is conducted, a contract should not be awarded to a firm which has a record of illegal or unethical activity. Depending on the significance of the contract, consideration should be given as to whether it would be appropriate to conduct probity checks on offerors.

Probity and financial capability is typically assessed through suitable prequalification exercises. The application of any probity conditions and potential vetting of offerors should be outlined in the Request for Offer.¹⁸

Case Study

A manager responsible for awarding contracts for training videos, television commercials, films and exhibitions developed a scheme, whereby the budget for a project would be worked out in conjunction with selected offerors. This usually included a 'kick back' of approximately 10% for the manager which was paid into a secret bank account. The tender award was then rotated between three colluding companies.

Investigations over a two year period revealed 'kick-back' payments of about \$140 000 from contracts worth \$1.5 million. Many standard tendering practices and internal controls including separation of functions were missing or non-operational. The manager and the directors of the three companies were convicted and jailed.

Probity advisors and probity auditors

For most procurement activities, procurement staff and evaluation teams can effectively manage probity issues. Where the activity may be complex, high value, sensitive, or offeror grievances are more likely, it may be beneficial to engage a probity advisor and/or a probity auditor.

Probity advisors and auditors should not be seen as a substitute for expert procurement officers managing a well planned process. An agency should routinely ensure it has personnel with the required skills and has the processes in place to ensure good practice so that probity advisors and auditors are used as an exception rather than as a rule.

However, when the use of probity auditors or probity advisors is contemplated, then this commitment should be made at an early stage in the procurement process.

¹⁸ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

Probity advisor

A probity advisor is an individual or organisation engaged to observe, review and provide guidance on the probity framework and/or processes of a procurement project. Agencies use internal or external probity advisors to verify that the processes followed are consistent with best practice principles.

A probity advisor provides opinions and guidance on probity risks and issues that may arise during the process and confirms, in writing, whether the process is consistent with the requirements outlined in a probity plan as well as general probity fundamentals. If probity requirements are not being or have not been met, the advisor identifies the non-conformities and any reasons for these in a written report, and if necessary, suggests solutions and monitors their implementation.

A probity advisor's primary concern is the integrity of the procedures and processes adopted. That is, the focus is on the means, not the ends of the project. The advisory role is essentially preventive. For this reason, a probity advisor is usually engaged at an early stage to assist with project establishment and before any serious procurement integrity issue may develop.¹⁹

Probity auditor

A probity auditor has three main roles:

- to provide advice during a procurement process on probity-related issues, in order to establish procedures which meet recognised probity standards and ensure that any problems or questions are dealt with satisfactorily;
- to provide independent scrutiny of the procurement process to ensure that prescribed processes are actually adhered to; and
- to provide a report at the end of the process which records an independent professional view of the way in which the procurement process was managed, from a probity perspective.

A probity auditor cannot be expected to:

- protect against errors in decision making;
- comment on the commercial effectiveness of the project team in its negotiations with offerors;
- try to rescue a procurement process and remedy an already tainted process by being called in part way through the process.

Probity auditors are generally paid for their services by the agency which employs them. This relationship can create the appearance of divided loyalties, real or otherwise. Selecting auditors by rotation from a suitably prequalified panel can help to remove any perceptions of bias.

The underlying principle is to ensure that probity auditors and advisors are appropriately qualified and independent and that the same people or organisations are not used repeatedly.

What does probity auditing achieve?

Probity auditors and advisors do not transfer risk away from the agency. Management is still accountable, and the engagement of a probity auditor should be seen as a means of complementing existing sound processes.

The immediate task of the probity auditor is to assess whether the procurement/project team runs an open and fair process. Probity auditing is auditing for compliance. It does not check the effectiveness of the resulting contract.

¹⁹ New South Wales Independent Commission Against Corruption, 'Probity and Probity Advising', November 2005.

Specifically the probity auditor needs to assess whether the project team:

- complied with legislation, policies and agency procedures on probity;
- adopted a sound set of processes enshrined in the probity plan;
- fulfilled the requirements of the probity plan; and
- acted within the limitations of prescribed procurement policies, rules and guidelines.

The probity auditor may:

- confirm the process is fair and nothing more needs to be done;
- advise when any errors or omissions occur; or
- as a last resort, recommend that the procurement process be terminated and rerun.²⁰

The difference between probity advising and auditing

The probity advisory function differs from the auditing function in a number of respects. The key emphasis in the advisory aspect of the role is on *how* a process complies (or can be made to comply) with a particular set of criteria, standards or principles. The auditing aspect of the role focuses on *whether* a process has complied with the set criteria, standards or principles.

In practice, most probity services offer a combination of both auditing and advisory elements. Usually, combining aspects of each function within a single engagement will not present difficulties, but the agency needs to be clear about the service it needs and which it has contracted.

As a general rule, agencies that wish to obtain a level of independent verification that the process followed is consistent with a particular standard or set of criteria should engage an audit-based service. Agencies that mainly require practical assistance in identifying and managing a range of probity-related risks should engage an advice-based service.

Some of the different characteristics of auditing and advising are listed in the following table.²¹

²⁰ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

²¹ New South Wales Independent Commission Against Corruption, 'Probity and Probity Advising', November 2005.

Aspects of probity auditing and probity advising

Approach	Auditing	Advising
Timeframe	“Backward-looking” – primarily done after the fact.	“Forward-looking” – primarily done before the fact.
Opinion	Provides an audit opinion on compliance with an established guideline, standard or principle.	Provides both opinions and advice contemporaneously, to ensure that an established guideline, standard or principle is followed.
Independence	High degree of independence. Largely self-directing.	Independent, but as an advisor has a level of direct interest in the project. More likely to be under the direction of the client.
Service	Provides assurance services – finds discrepancies and monitors compliance.	Provides consulting services – anticipates and prevents lapses in probity. More likely to be involved in implementing solutions to probity problems.
Reporting	Generally reports to a senior manager or steering committee, above the project manager.	Mainly reports to and liaises with the project manager and/or project team. Less responsibility to external stakeholders.
Report format	Emphasis on formal, written reports.	Higher degree of verbal informal reporting. However, must still provide written reports.
Methodology	Adopts an audit methodology and adheres to audit conventions and professional standards.	Departs from strict audit methodology and is more likely to use own standards or approach.
Probity plan	Likely to be involved in verifying compliance with a probity plan or similar document, but not in its preparation.	Likely to be involved in overseeing the preparation of a probity plan or similar document.

The risk of any conflict in combining both audit and advisory roles in a single appointment is generally low, and can be tolerated and managed if the agency remains aware of the distinctions.

However, on very large or complex projects, it may be desirable to separate the audit and advisory functions through separate engagements (and from different organisations), one of which would perform the probity auditing function strictly at arm’s length from the project, while the other would perform the advisory role. This would be helpful on controversial projects where the independence of the audit function is seen to be particularly important.²²

²² New South Wales Independent Commission Against Corruption, ‘Probity and Probity Advising’, November 2005.

Probity checklist

The following table lists a number of tasks, generally in chronological order, which can form the basis for a checklist or a probity plan. For high value or complex procurement activities, best practice would see the development of a suitable probity plan well prior to the commencement of the actual procurement process.

Probity checklist²³

Task	Documents
Planning	
<p>Check budget approval is obtained Prior to any communication with the market Approval of funds needs to be assured before commencing the project.</p>	<ul style="list-style-type: none"> minutes, memos etc verifying approval
<p>Ask for conflict of interest declarations Required at the outset of the procurement process, from all steering committee and procurement team members and any external personnel involved in the offer. Remind members of the Agency's Code of Conduct and other ethical and probity obligations. Members must also disclose any conflicts of interest arising during the procurement process.</p>	<ul style="list-style-type: none"> conflict of interest declarations minutes of meetings
<p>Obtain Confidentiality Agreements Required from all personnel involved in the procurement process.</p>	<ul style="list-style-type: none"> confidentiality statement
<p>Ascertain if a probity auditor or advisor is required</p>	<ul style="list-style-type: none"> Significant Purchase Plan memo or minute
<p>Determine the procurement method (eg. select tender, public tender, negotiations with a single supplier)</p>	<ul style="list-style-type: none"> Significant Purchase Plan minutes of meeting
<p>Check procurement team members' credentials. They need to be properly authorised to represent stakeholders and be selected on the basis of their expertise. Where necessary, external expertise is to be engaged to ensure a full range of qualifications, skills and experience is available.</p>	<ul style="list-style-type: none"> letter of nomination or similar
<p>Settle details of the Probity Plan if required</p>	<ul style="list-style-type: none"> probity plan document
<p>Check procurement team members are familiar with and have access to all relevant policies.</p>	<ul style="list-style-type: none"> copy of policies
<p>Ensure that all offerors have access to the same information Significant clarification or further detail is to be provided to all offerors equally. Telephone queries are handled by a single person, file notes are made of conversations, etc. No information should be provided for the benefit or detriment, of particular parties.</p>	<ul style="list-style-type: none"> list of procedures file notes record of all inquiries, and responses
<p>Set up confidentiality procedures Confidential information must be protected and only be available to those who need it.</p>	<ul style="list-style-type: none"> list of procedures

²³ Victorian Government Purchasing Board (Department of Treasury and Finance), 'Probity Policy and Guidelines: Government Tendering Projects', May 2001.

Task

Documents

Set up proprietary information procedures

If offerors are required to offer on the basis of matters such as innovation, all ideas they consider proprietary must not be communicated to competitors. Information provided to one offeror must be conveyed to all offerors. The procurement team needs to establish ground rules to ensure that offerors have confidence in the process and the agency is not barred from sharing information which is commonly known. Categories of proprietary information should be defined early in the process and stated in the offer documentation.

- file notes
- list of procedures
- conditions of offer

Brief all staff involved

Confidentiality and security procedures need to be explained to all staff associated with procurement.

- briefing note to staff or minutes
- instruction
- record in minutes

Review probity at completion of *Planning* milestone

At this point, the procurement team should check that it has met all of the requirements of the probity checklist/plan.

Preparing a Request for Offer (RFO)

Settle invitation documents (RFO)

Invitation documents should be designed to elicit the information necessary for proper evaluation of each offer against the selection criteria.

Settle performance measures and targets and detail how the contractors' performance will be evaluated.

All legal issues, accountability and intellectual property restrictions are to be clearly set out.

Detail evaluation criteria, weightings and selection processes, state how late and non-conforming offers will be dealt with and request declarations of any offeror's conflicts of interest.

Include transition in and transition out arrangements.

- specification
- conditions of offer
- conditions of contract
- vendor response schedule
- timetable
- details of measures and targets arising out of Significant Purchase Plan

Review probity at completion of *Preparing a RFO* milestone

At this point, the procurement team should check that it has met all of the requirements of the probity checklist/plan.

- record in minutes

Invitation to offer

Set up process for receipt, recording and acknowledging offers

Ensure no offers are read prior to the close of the offer period.

- offers download list
- offer box register
- copy letters or mail merge file and address list
- acknowledging receipt

Check advertising arrangements

This includes press advertisements, registration on website etc.

- contact details
- website information
- press cuttings
- electronic offer registration list

Arrange offer briefing meetings

Record who attended. Prepare a summary report and post it on a website or make it available in hard copy.

- summary report
- record of attendees
- website report

Task	Documents
<p>Check offers are received according to Conditions of Offer</p>	<ul style="list-style-type: none"> • offers register • procurement officer's report
<p>Secure documents Ensure offerors' information is secure at all times.</p>	<ul style="list-style-type: none"> • list of procedures
<p>Review probity at completion of <i>Invitation to offer</i> stage milestone At this point, the procurement team should check that it has met all of the requirements of the probity checklist/plan.</p>	<ul style="list-style-type: none"> • record in minutes
<h2>Evaluation of offers</h2>	
<p>Notify offerors of any variations that may occur due to change of circumstances</p> <p>Criteria should never be altered to give advantage to any particular party and all offerors should have access to the same information. If there are changes, allow all offerors the same time and opportunity to re-submit amended offers.</p>	<ul style="list-style-type: none"> • minutes of meeting • copy letters or mail merge letter and address list
<p>Assess offers as quickly as possible</p> <p>Ensure all offers are compared on the same basis Evaluation criteria are to be followed, and responses assessed against pre-determined criteria. Detail reasons for the choice of the preferred offeror, and ensure these reasons are clear and defensible. <i>Note: The evaluation criteria should be established and documented prior to calling for offers.</i></p>	<ul style="list-style-type: none"> • timetable, as amended • evaluation sheets • score sheets/comparative results • minutes of meetings
<p>Notify shortlisted offerors of interview Ensure same information has been provided to all offerors except matters specific to an individual offeror. Ensure that substantially the same time is allocated to each interview.</p>	<ul style="list-style-type: none"> • letters • agenda
<p>Document interviews and post offer negotiations This is usually with short listed offerors only.</p>	<ul style="list-style-type: none"> • interview questions • record of interviews • meeting agenda • file notes • offerors' confirming letters
<p>Perform due diligence of short listed offerors This may include corporate information including ownership, litigation, directors' profiles, financial security and past history. Referee checking procedures should be substantially the same and confidentiality assured.</p>	<ul style="list-style-type: none"> • referee checks • ASC records • commercial records • annual returns etc
<p>Plan and document site visits (if conducted) An agenda should be prepared by the procurement team before the visit. A chairperson is to lead the visit and ensure that there is a record of the meeting.</p>	<ul style="list-style-type: none"> • meeting agenda • minutes
<p>Brief Reference Group (if appropriate) Ensure stakeholders are advised of the likely outcome and that confidentiality and security are maintained.</p>	<ul style="list-style-type: none"> • minutes • file notes

Task	Documents
<p>Review probity completion of <i>Evaluation</i> milestone At this point, the procurement team should check that it has met all of the requirements of the probity plan.</p>	<ul style="list-style-type: none"> record in minutes
<p>Recommendation</p>	
<p>Prepare Supplier Selection Report Prepare justification report consistent with reasons for selection and non-acceptance of offers.</p>	<ul style="list-style-type: none"> file notes minutes of meetings justification statement evaluation matrices evaluation report
<p>Review probity at completion of Supplier Selection Report Review process from a probity perspective. Obtain probity report from probity auditor, if one has been engaged.</p>	<ul style="list-style-type: none"> record in minutes probity auditor report
<p>Prepare Supplier Selection Report for delegated officer's approval</p>	<ul style="list-style-type: none"> memorandum Supplier Selection report
<p>Notify the successful offeror The advice should note that acceptance is subject to execution of the contract.</p>	<ul style="list-style-type: none"> letters
<p>Notify unsuccessful offerors their offers are not accepted</p>	<ul style="list-style-type: none"> letters
<p>Debrief unsuccessful offerors This should be done by the chairperson of the procurement team with at least one other team member. Minutes of the meetings should be taken.</p>	<ul style="list-style-type: none"> file notes of feedback sessions
<p>Settle transition arrangements</p>	<ul style="list-style-type: none"> transition plan contract management plan
<p>Store all documents Provide a complete and accurate record of how key functions and activities were carried out, in accordance with the <i>Financial Administration and Audit Act 1977</i>.</p>	<ul style="list-style-type: none"> file(s)

Where can I get more help?

Who can I talk to?

- *State Purchasing Policy* Hotline, telephone 1800 631 991 (toll free).
- Crime and Misconduct Commission, telephone 1800 061 611 (toll free) if you suspect official misconduct.
- Agency contracts manager or audit officer - for assistance with advice on probity and procurement process issues.

What can I read?

- Your Agency's *Code of Conduct*.
- Your Agency's Purchasing Procedures.
- Crime and Misconduct Commission website, www.cmc.qld.gov.au
- *Public Sector Ethics Act 1994*
- *Crime and Misconduct Act 2001*
- *Probity and Probity Advising*, NSW Independent Commission Against Corruption, November 2005, www.icac.nsw.gov.au

- *Managing Conflicts of Interest in the Public Sector - Guidelines*, Crime and Misconduct Commission and ICAC, 2006, www.cmc.qld.gov.au
- *Building Integrity in the Queensland Public Sector: A Handbook for Queensland Public Officials*. Queensland Integrity Commissioner, 2004, www.integrity.qld.gov.au



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