

CENTRAL PROCUREMENT BOARD

CODE OF CONDUCT AND ETHICS

Foreword

The Central Procurement Board (CPB) is responsible for the approval of the award of all major projects in Mauritius, which places CPB in the window that showcases efficiency, equity, transparency, professionalism, trust, confidence in the procurement procedures in place in Mauritius.

The vision of the CPB is to be a model for efficient and effective public procurement in Mauritius. The mission is to ensure value for money in public procurement and timely acquisition through a fair and transparent process. The core values of CPB are impartiality, equality of treatment, integrity, transparency, equity and fairness and accountability.

Hence, the CPB is called upon to provide a service of the highest level, benchmarked with the best such service providers at international level. Its responsibility and duty are to inspire confidence in the procurement procedures in place and must stand the test of time. In this regard, the Board is constantly challenging itself to improve further and subject itself to independent scrutiny by international experts to enhance its credibility.

The duties, functions and powers of the CPB are more fully defined in the Public Procurement Act (PPA) and include the vetting of bidding documents, the public opening of bids and their evaluation by evaluators appointed by the CPB. The Act also refers to the highest standards of transparency and equity which CPB must achieve in the execution of its duties, in line with Section 11(2) of the PPA.

The Board is trying its level best to work in accordance with the provisions and spirit of the law governing it, insofar as ensuring transparency, fairness and value for money is concerned.

There are many partners who participate in the procurement process and therefore a strong Code of Ethics and Conduct is very important to ensure the highest level of service, professionalism and confidentiality and above all consistency in its deliveries.

Compliance with the provisions of “the Code” will allow the CPB to discharge its functions and duties in line with good governance principles, foster teamwork among Board Members and CPB staff and build respect, confidence and credibility among all stakeholders involved in public procurement and the public at large.

This Code supplements the “Code of Conduct for Public Officials involved in Procurement” which was issued by the Independent Commission Against Corruption (ICAC) and published in 2009. The aim is for the CPB to have its own Code which is an important requisite for Board Members and Staff.

Chairperson
Central Procurement Board

Extracts of the Public Procurement Act of 2006 as amended

Central Procurement Board

The Central Procurement Board, established under section 8 of the Public Procurement Act 2006 as subsequently amended is responsible for the approval of the award of major contracts by public bodies.

In the exercise of its functions, the Board shall act without fear or favour and shall not be subject to the direction or control of any other person or authority.

Functions of the Board

- (1) The Board shall, in respect of major contracts-
 - (a) establish appropriate internal procedures for the operations of the Board and ensure compliance with them;
 - (b) vet bidding documents and notices submitted to it by public bodies;
 - (c) receive and publicly open bids;
 - (d) select persons from a list of qualified evaluators maintained by it to act as members of a bid evaluation committee and oversee the examination and evaluation of bids;
 - (e) review the recommendations of a bid evaluation committee and –
 - (i) approve the award of the contract; or
 - (ii) require the evaluation committee to make a fresh or further evaluation on specified grounds; and
 - (f) review the recommendations of a public body with respect to an amendment that increases the contract value pursuant to section 25(2)(c) or (d) or 46(3), or a variation pursuant to section 46(4) and
 - (i) approve the variation or amendment proposed;
 - (ii) require the public body to make a fresh recommendation; or
 - (iii) reject the variation or amendment proposed.
- (1A)
 - (a) Where the Board requires the evaluation committee to make an evaluation pursuant to subsection (1)(e)(ii), the bid evaluation committee shall, within 5 working days, comply with the requirement of the Board.
 - (b) Where the bid evaluation committee fails to comply with a requirement under paragraph (a) or the Board is not satisfied with the fresh or further evaluation, the Board may appoint another bid evaluation committee to make a fresh or further evaluation within such time as the Board may determine.

- (1B) The Board shall, as far as reasonably possible, ensure that a bid evaluation committee includes qualified persons from the public body concerned.
- (1C) Where a bidding exercise is completed, the Board shall share such information as may be prescribed with the public body
- (2) The Board shall strive to achieve the highest standards of transparency and equity in the execution of its duties, taking into account -
 - (a) the evaluation criteria and methodology disclosed in the bidding documents;
 - (b) the qualification criteria and methodology disclosed in the bidding documents;
 - (c) equality of opportunity to all bidders;
 - (d) fairness of treatment to all parties;
 - (e) the need to obtain the best value for money in terms of price, quality and delivery, having regard to set specifications; and
 - (f) transparency of process and decisions.
- (3) The Board shall have such powers, and exercise such functions, as may be assigned to it under any other enactment.

Powers of the Board

- (1) In the discharge of its functions, the Board may -
 - (a) call for such information and documents as it may require from any public body;
 - (b) examine such records or other documents and take copies or extracts from them;
 - (c) commission any studies relevant to the determination of the award of major contracts;
 - (d) request any professional or technical assistance from any appropriate person in Mauritius or elsewhere;
 - (da) make appointments pursuant to section 10(1)(c) following a call for applications by public advertisement; and
 - (e) do all such acts and things as it may consider incidental or conducive to the exercise of its functions.
- (2) Any person to whom a request is made under subsection 1(a) and who fails to comply with the request, or willfully gives any false or misleading answer to any question lawfully put by the Board, shall commit an offence.
- (3) Where -
 - (a) any variation in a contract price subsequent to the conclusion of a procurement contract entered into by a public body causes the total

contract amount to exceed the prescribed amount by more than 20 per cent; or

- (b) the lowest bid submitted or the lowest evaluated substantially responsive bid in response to an invitation made by a public body exceeds the prescribed amount, the matter together with all the bidding documents and the contract documents, if any, shall be referred to the Board for approval.

(4) Where it comes to the knowledge of the Board that a contract has been awarded or is about to be awarded in breach of this Part, the Board shall forthwith report the matter to the Head of the Civil Service, with a copy to the Director, recommending such action as it may deem appropriate.

(5) The Head of the Civil Service may, where he considers appropriate, refer any matter reported to him under subsection (4) to the Police for enquiry.

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CENTRAL PROCUREMENT BOARD

CODE OF CONDUCT AND ETHICS

1. Purpose

- 1.1 The Central Procurement Board, hereafter named “CPB” is an independent body established under the Public Procurement Act, 2006 as amended (PPA). The CPB is responsible for the approval of the award of major contracts by public bodies. Its functions and powers are more fully defined in the PPA and include the vetting of bidding documents, the public opening of bids and their evaluation by evaluators appointed by the CPB.
- 1.2 Section 8(5) of PPA states that “*the Board shall act without fear and favour and shall not be subject to the direction or control of any other person or authority*”. And Section 11 (l) (a) requires CPB to “*establish appropriate internal procedures for the operations of the Board and ensure compliance with them*”.
- 1.3 Pursuant to these Sections, the CPB hereby establishes a Code of Conduct and Ethics (hereafter named “the Code”) to provide guidance to its members as well as members of its staff, on the ethical and behavioral considerations and/or actions they need to consider whilst addressing their duties and obligations during their appointment as Members and during their tenure of office at the CPB.

2. Vision, Mission and Core Values

- 2.1 The vision of the CPB is to be a model for efficient and effective public procurement in Mauritius. The mission is to ensure value for money in public procurement and timely acquisition through a fair and transparent process. The core values of CPB are impartiality, equality of treatment, integrity, transparency, equity and fairness and accountability.
- 2.2 Compliance with the provisions of “the Code” will allow the CPB to discharge its functions and duties in line with good governance principles, foster teamwork among Board Members and CPB staff and build respect, confidence and credibility among all stakeholders involved in public procurement and the public at large.
- 2.3 This Code supplements the “**Code of Conduct for Public Officials involved in Procurement**” which was issued by the Independent Commission Against Corruption (ICAC) and published in 2009. The aim is for CPB to have its own code, compliance with which is an important requisite for Board Members and staff.

3. Definitions

For the purpose of this Code the following definitions will apply:-

“bidder” means a participant or potential participant in procurement proceedings.

“bidding document” -

- (a) means any document issued by a public body on the basis of which bidders prepare bids; and
- (b) includes any document which contains instructions to bidders, specification, maps, designs, terms of reference, work schedules, evaluation criteria, bills of quantities, conditions of contract or other similar items.

“Board” means the Central Procurement Board established by section 8 of the PPA.

“Chairperson” means the Chairperson of the Board.

“Chief Executive” means the person referred to in section 9(1) of the PPA.

“contractor” means a person who has entered into a procurement contract with a public body.

“conflict of interest” could be defined as a real or seeming incompatibility between one’s private interests and one’s fiduciary duties.

“Immediate family” refers to a person’s parents, spouse, children and siblings and also includes the spouse parents, their children and siblings.

“major contracts” means a contract for the procurement of goods and services or the execution of works -

- (a) to which a public body is or proposes to be a party; and
- (b) the estimate is of fair and reasonable value and which exceeds the prescribed amount.

“Member” means a member of the Board and includes the Chairperson and the two Vice Chairpersons of the Board.

“Policy Office” means the Procurement Policy Office established under Section 4 of the PPA.

“public body” -

- (a) means any Ministry or other agency of the Government; and
- (b) includes -
 - (i) a local authority
 - (ii) a parastatal body; and
 - (iii) such other bodies specified in the Schedule of the PPA.

“Staff” means employees of the Central Procurement Board and includes senior management.

4. The Code of Conduct and Ethics of Members and Staff

4.1 Respect and Courtesy

- (a) Members and staff shall work in close collaboration and show mutual respect and courtesy towards each other to achieve the aims of the organisation.
- (b) Members and Staff should treat stakeholders as valued customers who are entitled to receive the highest standards of service.

4.2 Integrity

Members and staff should demonstrate full integrity and objectivity in their day to day work. Their behavior should reflect honesty and righteousness.

4.3 Independence

Members and staff should work independently that is not under any undue influence, or political interference.

4.4 Overfamiliarity

Members and staff should not be too familiar with stakeholders like bidders and public bodies which may compromise the quality of their work or be construed as collusion.

4.5 Behaviour

Members and staff should behave in a polite and coherent manner which will enhance the image of CPB, e.g., official dress code/body language/communication with customers, all these should depict a level of

professionalism and promote a ***culture of productivity*** within the organization.

4.6 Due Care in Discharge of Duties

Members and staff shall play a full and active role, fulfill their duties and responsibilities and act in good faith and in the best interests of the CPB. They shall at all times use their professional judgment, reasonable care whilst exercising the authority granted under the PPA.

4.7 Compliance with Laws

Members and staff should ensure that they comply with the laws of Mauritius and in particular with the PPA, the regulations made thereunder, and any directive, guideline and circular of the Policy Office which conform to the laws of the country.

4.8 Policy of Non-Discrimination

Members and staff should ensure that they do not unjustifiably favour or discriminate against any particular person, entity or interests.

4.9 Collective Responsibility

Members and staff, once the Board has taken a decision, must respect the principle of collective responsibility and corporate responsibility and support that decision.

4.10 Continuous Education and Improvement of Capabilities

Members should at all times, update themselves with trends, changes and new innovative techniques and ideas in the field of procurement. They should expose themselves to new technologies available in the field of procurement and commit themselves to continuous improvement of their capabilities through continuous training.

4.11 Misuse of Resources

- (a) Members and staff must not use the facilities of CPB either equipment or supplies for a personal or private gain.
- (b) Members and staff shall take all appropriate measures to ensure that CPB uses resources efficiently and economically.

4.12 Political Activity

Members and staff must not show any political bias, make political statements publicly, and participate in any political forum or public discussions in relation to a political party during their tenure of office at the CPB.

4.13 Outside Employment

- (a) Members and staff are not permitted to take any outside employment or engage in any business activity or enterprise if not authorised.
- (b) Members and staff shall not engage in nor accept any remuneration for consultancy and advisory services.

4.14 Conflict of Interest

- (a) No Member and staff is to participate in any private or professional activity that can create a conflict or a perception of conflict between their personal interests and those of CPB.
- (b) Members and staff should refrain from engaging themselves in any matter or activity with respect to a firm or business in which the Member or staff was either a principal partner or major shareholder or a member of senior management, which are or may be perceived as incompatible with their present duties at the CPB.
- (c) Members and staff shall refrain from participating in a decision or processing a procurement application or engaging in any discussion concerning the award of a contract if they know that they have a financial interest in the procurement which will materially have an effect on the Member or his immediate family or on that of the staff and his immediate family.
- (d) Members and staff must ensure that in all their actions, relationships and communications, there is no intent or any perception of unethical and compromising practices.

4.15 Gifts and Other Benefits

- (a) Members and staff are prohibited from soliciting or accepting any money, loans, credits, discounts, entertainment, services or gifts from present or potential bidders or contractors or any person having an interest in a procurement contract either for themselves or their immediate family.

- (b) All gifts received in an official capacity by any Member and staff must be recorded in a register and become the property of the CPB.

4.16 Secrecy and Confidentiality

Members and staff are under oath of confidentiality and are not authorized to communicate any matter relating to the processing, deliberations, recommendations and decisions relative to a procurement.

4.17 Communication to the Media

No Member or staff is authorised to give any individual or collective statement, interview, and information to the media (press, radio or TV) unless such communication forms part of an approved education and awareness campaign to convey useful messages to stakeholders.

4.18 Accountability

Members and staff shall be accountable for their decisions and actions and, if need be, subject themselves to scrutiny and investigation.

4.19 Role Model

Members and staff should ensure that they are a role model for all players in the public procurement landscape. They should promote both in their words and actions a positive image of the CPB and further the organisation's main goals of enhancing the country's economic and social development.

4.20 Enforcement of the Code

By signing an oath of allegiance set out in the Appendix, Members and staff of the CPB pledges that they will honour and comply with the Code.

31 January 2023

Appendix

Oath of Allegiance

I,, as Member/Staff of the Central Procurement Board, am committed to the delivery of a professional and ethical service to public bodies, bidders, contractors and other stakeholders recognize that my behavior and conduct are central to this process and I affirm my commitment to the Code of Conduct and Ethics, which reflects the values of the Central Procurement Board.

I have read and taken cognizance of the contents of the code. Further, I understand that as Member/Staff of Central Procurement Board, I am bound by the Code.

Signature :

Name :

Position Held :

Date :