

The Public Procurement and Disposal of Public Assets Guidelines

*Guidelines issued by the Public Procurement and Disposal of
Public Assets Authority under Section 97 of the Public
Procurement and Disposal of Public Assets Act No 1 of 2003;*

Details covered in this Guideline:

Guideline Subject:	Codes of Ethical Conduct
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Guidelines are distributed to all Accounting Officers who are responsible for distributing copies of this Guideline to at least the Chairpersons of the Contracts Committee and the Head of the Procurement and Disposal Unit of the Procuring and Disposing Entity.

Guideline Subject: Codes of Ethical Conduct

As specified in Section 93 (2) of the Public Procurement and Disposal of Public Assets Act, 2003, public officers and experts engaged to deliver specific services are required to sign and adhere to the Code of Ethical Conduct in Business cited in the Fifth Schedule to the Act. This code is reproduced here for ease of reference.

Bidders and Providers are required to adhere to the Code of Ethical Conduct for Bidders and Providers contained in this guideline. A copy of the Code of Ethical Conduct for Bidders and Providers should be displayed on the procurement notice board of each Procuring and Disposing Entity and is included in the relevant Standard Bidding Documents.

Signed:

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Chairman of the Board of Directors Executive Director of the Authority
Public Procurement and Disposal of Public Assets Authority

CODE OF ETHICAL CONDUCT IN BUSINESS

(Cited in Section 93(1) of the Public Procurement and Disposal of Public Assets Act No. 1 of 2003 and specified in the Fifth Schedule to the Act)

1. Ethical principles.

(1) Employees shall not use their authority or office for personal gain and shall seek to uphold and enhance the reputation of the Ugandan Government at home and abroad by-

- (a) maintaining an impeccable standard of integrity in all business relationships both inside and outside the organisations in which they are employed;
- (b) fostering the highest possible standards of competence;
- (c) optimising the use of resources for which they are responsible to provide the maximum benefit to Uganda; and
- (d) complying both with the letter and the spirit of-
 - (i) the laws of Uganda and regulatory guidance;
 - (ii) accepted business practices in commercial markets; and
 - (iii) contractual conditions.

2. Conflict of interest.

Employees shall reveal any personal interest that may impinge or might reasonably be deemed by others to impinge on an employee's business dealings with an industry.

3. Confidentiality and accuracy of information.

(1) Employees shall respect the confidentiality of information received in the course of business dealings and shall never use such information for personal gain.

(2) Information given by employees in the course of business dealings shall be true and fair and not designed to mislead.

4. Competition.

Employees shall avoid any business arrangement that might prevent the effective operation of fair competition.

5. Business gifts.

Employees shall not accept business gifts from current or potential Government Providers unless such gifts are of very small intrinsic value such as a calendar or a pen.

6. Hospitality.

Employees shall refrain from any business hospitality that might be viewed by others as having an influence in making a government business decision as result of accepting that hospitality.

7. Restrictiveness.

A member of the Authority, a procuring and disposing entity or expert contracted to deliver specific services shall not use to his or her personal or organizational advantage, information acquired by him or her by virtue of his or her association with the Authority or a procuring and disposing entity for a period of one year after vacating office or ceasing to render the specific services.

CODE OF ETHICAL CONDUCT FOR BIDDERS AND PROVIDERS

1. Ethical Principles

Bidders and providers shall at all times-

- (a) maintain integrity and independence in their professional judgement and conduct;
- (b) comply with both the letter and the spirit of-
 - (i) the laws of Uganda; and
 - (ii) any contract awarded.
- (c) avoid associations with businesses and organisations which are in conflict with this code.

2. Standards

Bidders and providers shall-

- (a) strive to provide works, services and supplies of high quality and accept full responsibility for all works, services or supplies provided.
- (b) comply with the professional standards of their industry or of any professional body of which they are members.

3. Conflict of Interest

Bidders and providers shall not accept contracts which would constitute a conflict of interest with, any prior or current contract with any procuring and disposing entity. Bidders and providers shall disclose to all concerned parties those conflicts of interest that cannot reasonably be avoided or escaped.

4. Confidentiality and Accuracy of Information

- (1) Information given by bidders and providers in the course of procurement processes or the performance of contracts shall be true, fair and not designed to mislead.
- (2) Providers shall respect the confidentiality of information received in the course of performance of a contract and shall not use such information for personal gain.

5. Gifts and Hospitality

Bidders and providers shall not offer gifts or hospitality directly or indirectly, to staff of a procuring and disposing entity that might be viewed by others as having an influence on a government procurement decision.

6. Inducements

- (1) Bidders and providers shall not offer or give anything of value to influence the action of a public official in the procurement process or in contract execution.
- (2) Bidders and providers shall not ask a public official to do anything which is inconsistent with the Act, Regulations, Guidelines or the Code of Ethical Conduct in Business.

7. Fraudulent Practices

Bidders and providers shall not-

- (a) collude with other businesses and organisations with the intention of depriving a procuring and disposing entity of the benefits of free and open competition;
- (b) enter into business arrangements that might prevent the effective operation of fair competition;
- (c) engage in deceptive financial practices, such as bribery, double billing or other improper financial practices;
- (d) misrepresent facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring and Disposing Entity.