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**Probity Requirements in Procurement**

A procurement process must be conducted in a way which is fair, equitable, impartial and transparent. Those who participate in a procurement process must comply with the following requirements:

**Conflict of Interest**

Conflicts of interest arise where personal interests conflict with obligations to ACU. Conflicts of interest and perceived conflicts of interest must be declared at the beginning of the procurement process and as they arise during the process. A conflict of interest declaration must be signed by those involved in the evaluation of bids.

**Gifts and Hospitality**

Acceptance of gifts and hospitality, even of a nominal or token value, give rise to a perceived if not an actual conflict of interest. They should not be accepted from a supplier who is or may be involved in a procurement process. In accordance with the ACU Code of Conduct, offers of gifts or hospitality should be reported to the delegated senior University manager responsible for the area in which the affected staff member works. This includes gifts and hospitality which are normally acceptable, such as lunch or dinner invitations or small gifts at Christmas.

**Open, Transparent and Fair Process**

Objectivity is paramount in the assessment process and previous experience, where it exists, in relation to any aspect of the tender process, including previous knowledge of existing or prospective suppliers, shall only be used to inform an objective assessment.

This includes:

**Impartial and Equal Evaluation Process**

* A Request for Proposal (RFP) from a number of suppliers may be made informally or formally. Where a formal evaluation of competing offers is to be made, then they should be evaluated against pre-weighted assessment criteria and stated requirements.
* A Request for Tender (RFT) must be a formalised process and the tender document should clearly state requirements, including the agreed assessment criteria. Prior to tenders being opened the assessment criteria must be weighted. An objective rating process must be used by the evaluation team.
* An Exemption from Competitive Procurement approved by the Chief Financial Officer whereby the supplier is sole supplier of goods/services and or a genuine emergency exists. Offer must satisfactorily meet the assessment criteria and stated requirements.

**Open, Transparent, Fair Process**

* + - All suppliers are given the same information.
    - All suppliers are given the same urgency, to the extent practicable, when responding to questions.
    - When a supplier seeks clarification or when additional information is provided, all suppliers are given the same updated information.
    - A supplier’s market differentiation is protected during the process. For example, where a supplier seeks information that relates to the differentiating nature of its submission, its special approach will not be disclosed to other suppliers.
    - Rules of any tender process are adjudicated the same for all suppliers.
    - Formal Tenders are not opened before the designated Closing Date and a Tender Opening Record is completed.
    - Non-conforming Tenders from a formal tender process will be disqualified excepting where there is a decision to retain, approved by the Tender Committee and the Chief Financial Officer or Associate Director, Financial Operations.
    - Details of all correspondence must be retained and placed where they can be accessed and reviewed by relevant ACU personnel as appropriate.
    - Details of one supplier’s bid information, including price, are not disclosed to another supplier.
    - The Intellectual Property contained in a supplier’s bid is protected.
    - Personnel engaged in the evaluation process who are given access to documentation and other information relating to a supplier’s bid are careful to protect it from being seen by unauthorised personnel, lost or stolen.
    - Personnel engaged in an evaluation of suppliers’ bids must not discuss with third parties or otherwise divulge information to personnel not relevant to the sourcing process or who are not authorised to receive it.
    - Once a formal Tender process has been initiated, the application of the objective Technical and Commercial evaluation processes must be allowed to determine the outcome and final sourcing decision. Where there is no real intention to change supplier, a formal Tender process should not be used merely to create price pressure on an incumbent supplier.

**Confidentiality**

The intellectual property and confidential and/or commercially sensitive information of the University and of the tenderers should be kept confidential. ACU may require prospective suppliers to sign a confidentiality agreement. ACU staff involved in the process must keep information regarding the procurement process and the tenders confidential.

***As a member of an ACU Sourcing Project team or Activity, I declare that I have read, understood and have agreed to participate in accordance with these Probity Requirements.***

***ACU Sourcing Project or Activity* (Mandatory Field - Required by Auditor):**

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***Signed :***

***Name :***

***Date :***