

Standards of Conduct for Public Service Employees Engaged in Government Procurement Processes

This document contains an updated outline of the standards of conduct for employees in the public service who are engaged in any stage of any procurement process, to purchase goods, services or construction, undertaken for government.

Employees should read this document and, if necessary, seek clarification in order to avoid placing themselves in conflict with the standards. These standards protect employees.

Employees should also refer to the Standards of Conduct for Public Service Employees http://www.bcpublicservice.ca/policies2/down/9_STANDARDS_OFCONDUCT.pdf

PRINCIPLES

The Government of British Columbia believes that the highest standards of conduct among public service employees are essential to maintain and enhance the public's trust and confidence in the procurement processes conducted by the public service. Government procurement processes are to be conducted according to the principles of fair and open public sector procurement: competition, value for money, transparency and accountability.

MANDATORY REQUIREMENTS

General

The requirement to comply with these standards of conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal. Employees should contact their Human Resources Consultant for advice and assistance on the interpretation or application of this policy directive.

Confidentiality

To ensure fairness, employees must exercise the strictest confidentiality regarding information pertaining to a procurement process. Examples include commercially useful information about government not publicly available, bids and proposals, plans to evaluate responses and results of evaluations. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing it. Caution and discretion in handling confidential information extends to disclosure made inside and outside of government and continues to apply after the employment relationship ceases.

Confidential information that employees receive through government procurement processes must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains.

CONFLICT OF INTEREST

Conflict must not exist between an employee's private interests and the discharge of their public service procurement process duties. A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's action or conduct could undermine or compromise:
 - the public's confidence in the employee's ability to discharge work responsibilities,or
 - the trust that the public places in the public service.

Employees who find themselves in an actual, perceived or potential conflict of interest must disclose the matter to their supervisor or manager. Employees who fail to disclose may be subject to disciplinary action up to and including dismissal. Examples of conflicts of interest involving a procurement process include, but are not limited to, the following:

- an employee uses government property or the employee's position, office or government affiliation to pursue personal interests;
- an employee, in the performance of official duties, gives preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- an employee allows a contractor to participate in the development of a request for proposals and subsequently submit a proposal to the solicitation;
- an employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- an employee benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (e.g., sales, purchases, contracts);

- an employee requests or accepts from an individual, corporation or organization, directly or indirectly, a personal gift or benefit that arises out of their employment in the public service, other than:
 - the exchange of hospitality between persons doing business together,
 - tokens exchanged as part of protocol,
 - the normal presentation of gifts to persons participating in public functions, or
 - the normal exchange of gifts between friends;
 - an employee requests a vendor, or accepts an offer from a vendor, to provide government negotiated pricing on a personal purchase;
 - an employee discusses potential employment with a vendor involved in a solicitation unless a specific framework has been established for this in the solicitation;
 - an employee solicits or accepts gifts, donations or free services for work-related leisure activities other than in situations outlined above.

Procurement Standards of Conduct
30 August 2005

Ministry of Finance
Procurement Governance Office
<http://www.fin.gov.bc.ca/ocg/pgo/pgo.htm>