

# Probity Protocols for Vendor Site Visits

“*Probity*” is the evidence of ethical behaviour.

“*Ethical behaviour*” encompasses the concepts of honesty, integrity, diligence, fairness, trust and respect.

The Principal’s project staff have a responsibility to ensure the best competitive tender comes from a market which is fairly and fully informed of the project requirements. While the project staff cannot be responsible for the ‘quality’ of the vendor’s representatives to assimilate the necessary information, the communications with vendors at site visits can meet the probity requirements by following some basic protocols.

There are both fair dealing and confidentiality issues to which project staff may be exposed in the process of communicating with vendors on site visits. The probity risks are heightened when the project staff member is either a decision-maker or has some influence in the selection of a tender, e.g. if the person is a member of the Evaluation Panel or in project governance.

While dealing with vendors on a site visit, a project staff member may have dealings in the normal course of other business of the Principal which exposes them to a vendor relationship with a vendor which also may be a bidder. Strict communications principles need to be established to control the fairness, equity and consistency in the information flow.

Project staff are to note that:

*Industry representatives have well-developed skills in both soliciting intelligence, and influencing those officers towards their particular solution.*

*The key principle is to **always act objectively, ethically, and equitably.***

## **Probity Principles:**

- Project Staff should:-
  - **Never** provide any prospective vendor with project timelines unless that is provided equally to all prospective vendors; or
  - **Never** speak in any comparative terms of any one vendor against another or others; or
  - **Never** indicate to a vendor that any product, technology or solution is more or less likely to be preferred or otherwise, unless it is informed to all bidding vendors, or
  - **Never** provide a vendor with, or provide any opportunity to obtain, privileged information of any kind, or
  - **Never** accept gifts, benefits, or solicitations of any kind; and
  - **Always** act ethically, objectively and impartially.
- Note that all project information other than what is in the tender documents or authorised for release is Confidential.
- No information should be relied upon unless it is provided in writing in the tender or by the Contact Officer.

# Probity Protocols for

## Probity Protocols:

- Project staff must **act objectively and impartially**.
- The Project staff must always **be in control** of the flow of information.
- Information must be **provided equitably** across all vendors.
- **Protect the confidential information** including any proposals, investigations, intentions, and processes that are not authorised for release, and information which may be relevant to your Organisation's operations or interests.
- **Avoid being isolated individually** by a vendor.
- **Avoid the potential for lack of corroboration** of actions, information, or findings. (i.e. try to have a reliable 'witness')
- Ensure any **information given to a vendor is consistent** with authorised information.
- Ensure any information given to one vendor is **consistent with what is provided to all** others.
- Ensure that any information is **not deceptive or misleading**.
- Always act **fairly and in good faith**.
- **Avoid being exposed to vendor pressure, undue influence**, or questioning.
- **Avoid any conflicts of interest**. Understand what constitutes a real, potential or perceived conflict of interest. Disclose your interests and relationships with the vendors and the individuals.
- **Refrain from any interest in the shares or shareholding**, trust or other form benefit from the commercial activities of a vendor that may be a bidder.
- **Do not accept any vendor material** of any sort, but refer it to the Contact Officer.
- **No gifts or benefits of any kind** can be accepted. If unavoidable, declare it under the Principal's 'Gifts Policy' and Code of Conduct.
- **Avoid allowing a vendor to provide individual hospitality**. Avoid any situation where a vendor might pay for your hospitality, accommodation, meals, or transport. Otherwise, record and disclose the circumstances to the Project Director.
- If it arises, **advise Vendors that solicitations or offers may prejudice their relationships**.
- **Do not respond to any overture or solicitation**, but document it and disclose it to the Project Director.
- **Report any 'offer of employment'** to the Project Director. Your rights to employment aren't restricted, but you have a fiduciary duty to your employer.
- **Do not discuss vendor comparisons** with vendors.
- If in any doubt, **discuss the matter with the project's Probity Adviser**.