

Philippines-Australia Human Resource and Organisational Development Facility Tender

Industry Briefing and Tender Process Overview

Philippines-Australia Human Resource and Organisational Development Facility (HRODF)

> Tender Probity

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Managing a Good Procurement Process

❖ Elements of Procurement Probity and Ethics

Concepts of Ethics and Probity

> Ethical Behaviour

- encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency;
- is critical to government procurement as it involved the expenditure of public money, and is subject to public scrutiny;
- supports openness and accountability in procurement processes and gives suppliers confidence in the Government marketplace;
- can also reduce the cost of managing risks associated with fraud, theft, corruption and other improper behaviour, and enhance public confidence in public administration

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> Probity

- Probity is the evidence of ethical behaviour in a particular process;
- It is defined as complete and defined integrity, uprightness and honesty;
- Contributes to sound procurement processes that accord equal opportunities for all participants;
- Probative procurement is one that involves largely common sense, clarity, openness, clear understanding and application equally to all parties to the process;
- It is integrated into all procurement planning, and should not be a separate consideration;
- Probity excludes suppliers whose practices are objectionable, dishonest, unethical or unsafe;

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> Probity Guiding Principles

Guidance to establishing probity in the tendering process is contained in a variety of instruments:

- Commonwealth Legislation Financial Management and Accountability Act
- Commonwealth Procurement Guidelines
- APS Values set down in Section of the Commonwealth Public Service Act
- Other Commonwealth and AusAID procurement policy and guidelines

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❖ Role of the Probity Advisor

To monitor the tender, evaluation and selection process to ensure

- Conformity
- Accountability
- Defensibility
- Fairness and equity;
- Assessment against same criteria;
- Preserve public and tenderer confidence in AusAID;

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• Probity Advisor Function

The general principle applying to the engagement of a probity advisor includes include;

- Develop an agreed Probity Plan for the tendering process
- Provide proactive advice on the conduct of the tender process
- Assess whether
 - tender rules and procedures are followed;
 - the tender process will be conducted fairly;
 - the tenders received are assessed in accordance with the stated evaluation criteria;
 - tangible and intangible risks that may impact or arise are properly identified and mitigated;
 - potential liability that may otherwise arise out of the conduct of a tender process is minimized;
 - a clear audit trail of the overall process is demonstrated tangibly;
 - there has been overall compliance with the probity plan.

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• Probity Advisor Exclusions

The Probity Advisor does not:

- Abrogate or reduce the responsibility of AusAID to conduct a probative tendering process
- undertake the evaluation;
- provide advice on financial aspects of the tender or bids received;
- provide legal advice in relation to the tender process,
- have direct communication or liaison with probity auditors unless directed to do so by the TAP Chair;
- witness tender opening;
- attend meetings purely as a independent observer;

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• Probity Plan

As a general principle aspects that maybe monitored by the Probity Advisor or reflected in a formal probity plan include [but not necessarily limited, inclusive or prescribed];

- Authorizations and approvals;
- Confidential and handling of bidders proprietary information
- Adequacy of documentation
- Risk identification and management
- Tender process and rules;
- Non-conforming bids;
- Breaches of the tendering process;
- Problem solving on probity issues;
- Tender deviations and changes
- Tender inquiries and internal communications
- Tenderer and associates relationships
- Tender briefings
- Access to tender process information
- Checks on tenderers (including nominated persons)
- Guidelines on Conflicts and Disclosure
- Assessment and Negotiation
- Dealing with innuendo and hearsay;
- Records management (communications, meetings documentation)
- Finalization and awarding of contract