



PROBITY IN PROCUREMENT POLICY

Policy number	NA	Version	2
Drafted by	Karen Zirkler	Approved by Board on	16 August 2023
Responsible person	Karen Zirkler	Scheduled review date	June 2024

1. Definitions

Probity is the evidence of ethical behaviour, and can be defined as complete and confirmed integrity, uprightness, and honesty in a particular process.

Procurement is defined as every activity involved in obtaining the goods and services Southern New England Landcare Ltd needs to support its operations, including sourcing, negotiating terms, purchasing items, receiving, and inspecting goods or services as necessary, and keeping records of all the steps in the process.

2. Purpose

This policy is intended to ensure that there is probity in all Southern New England Landcare Ltd's procurement processes.

This policy provides guidance to our staff, governing body, and current and potential contractors.

3. Policy

Southern New England achieves probity in procurement, by:

1. adopting sound principles outlined below, and
2. implementing sound practices outlined in our related Probity in Procurement Procedure document.

When conducting procurement, Southern New England Landcare Ltd board and staff will strive for value for money in a manner that demonstrates probity, is compliant with relevant policies, and is fair, ethical, impartial, and transparent.

Upholding the highest standards of probity and integrity enables Southern New England Landcare Ltd to safeguard procurement activities to ensure those activities and processes are robust and can withstand scrutiny.

4. Principles

Southern New England Landcare Ltd's procurement processes are underpinned by the following principles:

- processes and actions that are consistent, accountable, transparent, and auditable
- good record keeping
- maintaining an audit trail
- equity in decision making
- clear, honest communication
- independent checks and approvals that can identify probity issues
- security and confidentiality of information, and
- identifying and managing conflicts of interest whether actual, perceived or potential.

More specifically:

1. In undertaking procurement, staff members must always act ethically, in accordance with our Code of Conduct.
2. Staff members must not make improper use of their position.
3. Staff members should avoid placing themselves in a position where there is the potential for claims of bias.
4. Staff members must not accept hospitality, gifts or benefits from any potential suppliers.
5. Southern New England Landcare Ltd must not seek to benefit from supplier practices that may be dishonest, unethical, or unsafe, which may include tax avoidance, fraud, corruption, exploitation, unmanaged conflicts of interest and modern slavery practices.
6. All tenderers must be treated equitably. This means that all tenderers must be treated fairly – it does not necessarily mean that they are treated equally.
7. Conflicts of interest must be managed appropriately.
8. Probity and conflict of interest requirements should be applied with appropriate and proportionate measures informed by sound risk management principles.
9. Value for money outcomes are best served by effective probity measures that do not exclude suppliers from consideration for inconsequential reasons.
10. Confidential information must be treated appropriately during and after a procurement process.
11. External probity specialists should only be appointed where justified by the nature of the procurement.

5. Practice

a. A culture of probity

Southern New England Landcare Ltd strives for a procurement culture that demonstrates high standards of probity by:

- implementing open and transparent processes
- conducting probity briefings wherever possible
- training staff so that they are aware of their responsibilities and accountabilities
- highlighting and actively promoting ethical values, and
- requiring staff throughout the organisation to adopt, demonstrate, and commit to these values.

b. Assurance

Probity provides a level of assurance to delegates, suppliers and Southern New England Landcare Ltd, that a procurement was conducted in a manner that is fair, equitable and defensible.

Southern New England Landcare Ltd understands that good probity practice underpins:

- business and community confidence in the integrity of our procurement processes
- buyers and suppliers working together based on mutual trust and respect
- accountability for market engagement processes and procurement outcomes, and
- decisions for spending public money.

c. Discussion

Importantly, Southern New England Landcare Ltd will not use probity to justify avoiding reasonable discussion with potential suppliers during a tender.

Staff can discuss current tenders in the market with potential suppliers. The level of detail and formality in providing information should be appropriate to the risk of the procurement. The procurement's level of risk will inform how staff engage with potential suppliers:

- For lower risk (typically low-cost and uncomplicated procurements run via limited tender), in line with the probity principles above, staff can discuss the procurement with a potential supplier. This process can reasonably be dealt with by the tender contact officer with

limited requirements for formalised or rigid probity processes. Information can be discussed in a meeting or over the telephone, or where necessary, via written correspondence (e.g. email). Any information provided to the potential supplier that would be useful for other potential suppliers should be de-identified and provided to them also.

- For higher risk (typically higher cost and complex procurements run via open tender), it is appropriate to implement more rigour in dealing with suppliers. This may include formalised approaches to handling requests from suppliers, specified probity roles and utilising additional expertise where necessary.

d. Mechanisms

Southern New England Landcare Ltd will apply mechanisms for assuring probity in procurement sensibly, with the management of probity issues tailored to each individual process. These practices are provided in our **Probity in Procurement Procedure** attached.

6. Related policies

Conflict of Interest Policy

7. Authorisation



Bill Perrottet
President
Southern New England Landcare Ltd

16 August 2023

PROBITY IN PROCUREMENT PROCEDURE

Procedure number	NA	Version	2
Drafted by	Karen Zirkler	Approved by CEO on	16 August 2023
Responsible person	Karen Zirkler	Scheduled review date	June 2024

1. Introduction

Southern New England Landcare Ltd will adopt sensible procedures to ensure probity in procurement, with the management of probity issues tailored to each individual process.

2. Applying Probity in Procurement

In keeping with the probity principles provided in our Probity in Procurement Policy, Southern New England Landcare staff should:

1. Enter discussions with the intent to promote genuine engagement. This includes assisting the potential supplier to understand the procurement outcomes. Where a potential supplier is provided with clarification, this can assist the entity achieve outcomes that are better value for money.
2. Make potential suppliers aware that where topics are discussed, the information provided may be suitably de-identified and made available to other potential suppliers. Probity arrangements do not always automatically require that any questions raised in a tender process must be published for all potential tenderers. While questions of a generic nature should be provided to all tenderers, questions that may disclose a tenderer's Intellectual Property should be handled appropriately (for example, by generalising the query), while maintaining the need to treat all tenderers equitably.
3. Not feel pressured into providing information that they consider might be sensitive, provides an unfair advantage or concerns another potential supplier's bid. If unsure, it is appropriate to take the request on notice and to respond after suitable consideration.
4. Retain appropriate records. For low-risk procurements, this may be as simple as a file note indicating who the discussion was held with, and key discussion points. For higher risk procurements, this may involve independent assessment panels and assessment procedures with matrices detailing the extent to which a tenderer meets the selection criteria.

3. Identification and Management of Actual, Potential and Perceived Conflicts of Interest

A conflict of interest arises where a staff member, an adviser or a supplier has an affiliation or interest that might prejudice, or be seen to prejudice, his or her impartiality.

Effective management of conflicts of interest does not require conflicts to be avoided at all costs; rather, they must be managed appropriately.

Southern New England Landcare staff who are working in procurement will in the first instance seek to eliminate actual, potential and perceived conflicts of interest. When this is not possible (such as where it would exclude needed expertise or the conflict is so widespread as to be impossible to avoid completely), staff will implement effective management strategies.

4. Procedures

Southern New England Landcare staff must:

1. seek regular advice from the CEO throughout the tendering process, on how to proceed, especially if they are inexperienced with Southern New England Landcare's processes
2. be mindful of potential conflicts of interest that might arise and must not use their position to gain or seek to gain a benefit for themselves or any other person
3. strive to avoid situations in which there may be actual, potential or perceived of conflicts of interest including not allowing themselves to be improperly influenced by family, personal or business relationships
4. ensure all aspects of the tendering process are appropriately recorded on the relevant Southern New England Landcare L Drive
5. ensure secure electronic storage of submissions on tenders by implementing password protection on relevant folders
6. never enable or allow for a tenderer to have access to confidential information provided by other tenderers
7. ensure clear and transparent communication with tenderers about the success or otherwise of their submission as soon as possible on the completion of the tendering process
8. work with the CEO to draft a contract between Southern New England Landcare Ltd and the successful tenderer, which outlines appropriate deliverables, milestones and payment schedules
9. ensure the contract between Southern New England Landcare and the successful tenderer is signed by the appropriate person with delegated authority
10. store a copy of the final contract on the successful tenderer's Account in Salesforce
11. monitor to ensure that any public facing communications (including emails) from our sub-contractors clearly state their role as a sub-contractor. For emails this could be in the signature panel.

5. Related policies

Conflict of Interest Policy

Delegation of Authority Policy and Register

6. Authorisation



Karen Zirkler

CEO

Southern New England Landcare Ltd

16 August 2023