

Conflict of Interest and Confidentiality Agreement

1.0 Conflict of Interest and Confidentiality

Name:	
Position:	
Organisation:	
Procurement:	
Procurement Role :	

Do you have a potential, perceived or an actual conflict of interest?

Do you have any personal interest in the procurement decision? <i>(e.g. you own shares in a supplier or related company)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)
Are you a relative or close friend of someone with a personal interest in the goods and/or services being procured or who could be personally affected by the procurement decision? <i>(e.g. a family member is an employee or shareholder of a supplier)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)
Do you have any personal obligations, loyalties or bias that could influence the way you evaluate offers and recommend purchases? <i>(e.g. a close friendship with an employee of a supplier)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)
Have you been offered, in the past 12 months, any special discounts, gifts, trips, hospitality, rewards or favours by suppliers of the goods and/or services being purchased? <i>(e.g. free travel; free samples for your own use)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)
Are you aware of anything that could give the appearance that you might be biased towards or against a particular supplier? <i>(e.g. you have expressed strong views about a supplier; you worked for a supplier; you use a supplier's corporate box at a sports event)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)
Have you, at any time, been engaged as a contractor or employed by a potential supplier?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)
Are you currently an employee of, or otherwise provide services to, a potential supplier?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potentially (tick 'potentially' if others could perceive you have a conflict)

Note:

For purposes of this document, where procurements are facilitated by the Procurement Department then the term 'Procurement Representative' refers to the appointed specialist. For all other procurements that not facilitated by the Procurement Department 'Procurement Representative' refers to the nominated Facilitator within the Business Unit.



Confidentiality and Conflict of Interest responsibilities

I understand that all information and decisions made during the procurement process including but not limited to my role within the procurement process, procurement strategy/plan, draft RFx documentation, participant responses and evaluation process (“**Procurement Information**”) are strictly confidential. I agree to take all necessary steps to ensure Procurement Information, whether in written or electronic form, is kept in a safe manner and will only be shared when authorised by the Procurement Representative to disclose to a party (whether within Auckland Council or external) as required and part of the procurement process.

I will use my best endeavours to prevent unauthorised access by any person to, or publication or disclosure of, any Procurement Information. If I become aware that any unauthorised person has gained access to Procurement Information, whether such access is a result of my actions, inaction, or otherwise, I will immediately advise the appropriate Procurement Representative.

I understand that decisions about the disclosure of Procurement Information contained in the responses are to be made by the Procurement Representative in conjunction with the Internal Audit Department when relevant.

Restrictions on contact with suppliers

I agree that my contact with potential suppliers will be restricted during the RFx process. I understand that until the successful supplier has been announced I will not:

- pass information or make comments to market suppliers about the RFx process
- receive any gift, gratuity, hospitality or any inducement from potential suppliers
- meet potential suppliers other than for business as usual activities
- hold any discussion about the RFx process with suppliers .
- have any other contact, direct or indirect, with a potential supplier that might compromise, or be perceived as compromising, the RFx process.

During the procurement process, I will discuss with the Procurement Representative any contact I have with potential suppliers, such as requests for information or meetings, whether related to the procurement process or otherwise.

Declaration of conflict of interest

<p>Actual conflict of interest is where you already have a conflict.</p> <p>Potential conflict of interest is where the conflict is about to happen or could happen.</p> <p>Perceived conflict of interest is where other people might reasonably think you are not being objective.</p>	<p>If you have answered ‘Yes’ or ‘Potentially’ to the above questions, outline details below. Otherwise sign the declaration below.</p>
---	---

Your declaration

<p>Declaration – I confirm that the above details are correct to the best of my knowledge and I make this declaration in good faith. If circumstances change, I will notify the Procurement Representative. I acknowledge that I have read and understood my obligations regarding disclosing any Conflict of Interest and about ensuring Procurement Information and this Procurement Process are kept confidential. I understand that any breach of these obligations will be viewed seriously by Auckland Council and may constitute serious misconduct.</p>	
Signature:	Date:
<p>Review by Procurement Representative I confirm that I have received this declaration and noted the contents.</p>	
Name:	
Signature:	Date:

Note: Where a conflict of interest is declared, complete a Conflict of Interest Management Plan (see following section).



2.0 Conflict of Interest Management Plan

Who and when?

The Procurement Representative must complete this plan when a procurement team member has declared an actual, potential or perceived conflict of interest.

Name:	
Procurement:	

How the conflict of interest will be managed

<p>There are five options for managing or resolving a conflict of interest:</p> <p>Restrict involvement</p> <p>Recruit an independent third party to oversee part or all of the process</p> <p>Removal from conflicting process</p> <p>Relinquish private interest that causes the conflict</p> <p>Resign from procurement team</p>	<p>The following actions outline how the conflict of interest will be managed or confirm that no management is required (state reasons).</p>
---	--

<p>Declaration – I agree to the above actions to manage the conflict(s) of interest and I understand that disregarding or otherwise not acting in accordance with my obligations under this Conflict of Interest Management Plan will be viewed seriously by Auckland Council and may result in disciplinary action.</p>			
Name:		Role:	
Signature:		Date:	

<p>Approval – I approve the above actions to manage the conflict of interest</p>			
Name:		Role: Procurement Representative	
Signature:		Date:	

<p>Resolved – The conflict of interest has now been resolved and no further action is required</p>			
Name:		Role: Sourcing Specialist/Probity Auditor	
Signature:		Date:	

Contract Management	Will there be an ongoing conflict of interest managing the contract and performance requirements?	Yes	No
----------------------------	---	------------	-----------



Note: If there is an ongoing conflict of interest (managing the contract) complete the Ongoing Conflict of Interest (see following section).

3.0 Ongoing conflict of interest

The following conflict of interest is disclosed in accordance with the Conflict of Interest Policy.

Nature of the conflict of interest	How the conflict of interest will be managed
Indicate expected duration of the conflict.	Describe arrangements.

Declaration – I agree to the above actions to manage the conflict of interest		
Name:		Role:
Signature:		Date:

Approval – I approve the above actions to manage the conflict of interest		
Name:		Position: Tier 3 Manager
Department:		
Signature:		Date:

**Email the Conflict of Interest and Confidentiality Agreement to the Procurement Representative
Note: A copy of all agreed management plans must be forwarded to Probity (Internal Audit) on:**

probity@aucklandcouncil.govt.nz

