

ETHICS AND FAIR DEALING

Ethics and fair dealing in public procurement are a mark and distinctive feature of professionalism. A general lack of regularity and discipline in a public procurement system attests to the inadequate professionalism in the workforce as a whole. As a monitor, regulator and overseer of public procurement, ODPP is putting in place different measures that are aimed at introducing professional procurement conduct through both training activities and access to regulatory systems and guidelines.

As the government repositions its national economy programmes to focus more on developmental activities, public procurement is expected to grow and become more complex. If procurement activities are to adequately support this growth, the public procurers must become ethical in their conduct.

The existence of the Public Procurement Act and other regulatory documents are a first good step in professionalizing Malawi's public procurement activities not only for those who are involved in public purchases, but also for all who are concerned with public sector activities.

To ensure ethics and fair dealing in public procurement, all public procurement personnel, particularly those dealing directly with suppliers or potential suppliers are required to recognize and deal with conflicts of interest or any potential traits of the same. Under such circumstances, they are morally required to reveal any personal interest that may impinge or might reasonably be deemed by others to impinge on any business dealings with the suppliers.

They are also required to deal with suppliers even-handedly. In this case, as ethically demanded, they ought to be impartial and accord suppliers/contractors the treatment and attention they deserve on the basis of the precepts of the procurement law and regulations. Biasness should have no room in procurement. Rather meritorious consideration has to prevail.

Again, they should ensure that they do not compromise the standing of the public sector in prudent public procurement through acceptance of gifts or questionable hospitality. As personnel whose activities and dealings revolve around business relationships, public procurers should demonstrate modest hospitality as an accepted courtesy of business life. But as people who ought to be held in the highest of standards, public procurers should always refrain from any business hospitality that might be viewed by others as having an influence in making procurement decision as a result of accepting that hospitality.

Besides, they should ensure that there is confidentiality in their procurement transactions. This should be done by endeavoring to maintain confidentiality of information received in the course of business dealings and never to use such information for personal gain. Any piece of information given by such personnel in the course of business dealings should be true and fair and never designed to mislead.

Lastly, it is expected of such personnel to provide all assistance in the elimination of fraud and corruption. As a central area of public spending, corruption stakes in public procurement are high. Because of the large volumes of procurement, it is reasonable that public procurement should merit a lot of attention as it makes it easier for those involved in it to conduct themselves unethically and collect bribes. This may affect the quality and security of procured goods and services rendered.