

DECLARATION REGARDING ANY CONFLICT OF INTEREST AND CONFIDENTIALITY UNDERTAKING

Conflict of Interest refers to situations in which personal interests (which may include financial interests) may compromise, or have the appearance of, or potential for, compromising professional judgement and integrity and, in doing so, the best interests of Staffordshire County Council (the Council).

The best way to handle conflicts of interest is to avoid them entirely. Declaring any conflicts of interest (actual, potential or perceived) will disclose the issue and allow the most appropriate course of action to be taken. Those with a conflict of interest are expected to recuse themselves from (i.e. abstain from) decisions where such a conflict exists.

Individuals must avoid placing themselves in a position where there is an actual or potential conflict between their personal and/or 'outside' interests and their duties to the Council. The appearance of a conflict of interest must also be avoided.

Members of staff in material breach of the Council's code of ethics and/or conflict of interest policies and/or code of conduct may, in certain circumstances, be subject to disciplinary action.

The Council is required to ensure that any procurement exercise or contract management is undertaken in such a way that ensures:

- **Transparency** – Procurement activities should be fair and open.
- **Objectivity** – Key decisions must be based on documented objective data and criteria as part of the procurement process.
- **Non-discrimination** – The procurement process must not discriminate between tenderers.

In support of the above, the Council requires that any individual who has an interest (financial or otherwise, either directly or through their employing organisation or members of their family or close friends) in the outcome of any tendering exercise or are involved in the management of any existing contract, declare such interest. This may result in that individual being excluded from participating in the design and development of any specification, evaluation of any Pre-Qualification Questionnaire (PQQ) or Tender submissions, presentations by tenderers for exercises involving the interested party or is involved in any decision making process relating to the service itself.

It is the responsibility of Directors and Heads of Function to ensure that for their areas the development of any specification, any tender evaluation process and existing contract management is above suspicion of conflict of interest or the perception of bias

at any stage of the procurement process. Any connections between individuals involved in the above processes and a tenderer or incumbent supplier must be disclosed in writing to the Head of Procurement, at the earliest opportunity.

Individuals involved in the procurement and contract management process should not accept gifts or hospitality from any tenderers or incumbent suppliers.

Any possible conflict of interest or issue of bias should be discussed with the Head of Procurement as soon as it arises. If individuals are not sure whether an interest should be declared they should err on the side of caution. If individuals fail to declare an interest that is known to others involved in the procurement process and/or contract management area, then these other people should report the interest to the Head of Procurement. The Head of Procurement will decide on the appropriate course of action to ensure there is no distortion of competition (to avoid a poor Value for Money decision) or potential for fraud and record the outcome accordingly.

This document comprises three parts:

1. Declaration regarding any conflict of interest;
2. Confidentiality undertaking;
3. Record of resolution by the Head of Procurement.

All parts should be duly completed. All relevant pages should be signed and dated as instructed. If the document is completed by hand please ensure that the required information is clearly presented.

Anybody involved in procurement and/or contract management are required to complete an Annual Declaration, declaring any interests (which includes a "nil" return) by submitting the following forms to the Finance and Procurement Support Manager in the Staffordshire Procurement Team (address shown below). This acts as an acknowledgement of their understanding of the policy and a declaration of their specific interests, if any.

All new staff appointed involved in any procurement and/or contract management activity will make a first declaration at the time of initial employment with the Council or when they are appointed into a new role within the Council (e.g. at the start of a particular procurement project that they are involved in before any specifications are issued or tenders issued to potential tenderers).

The definition of staff in this context includes: temporary/interim staff, specialist external contractors and individuals from other public sector bodies engaged to support specific procurement projects.

Part 1: DECLARATION REGARDING ANY CONFLICT OF INTEREST

Examples of conflicts of interest include:

- Having a financial interest (e.g. holding shares or options) in a potential tenderer or any entity involved in any tendering consortium, or an existing supplier to the Council;
- Having a financial or any other personal interest in the outcome of the evaluation of any tender evaluation process or the success of any existing supplier relationship;
- Being employed by (as staff member or volunteer) or providing services to any potential tenderer or existing supplier;
- Being a member of a potential tenderer's or existing supplier's management/executive board;
- Receiving any kind of monetary payment or non-monetary give or incentive (including hospitality) from any tenderer or existing supplier or its representatives;
- Canvassing, or negotiating with, any person with a view to entering into any of the arrangements outlined above;
- Having a close member of your family (which term includes unmarried partners) or personal friends who falls into any of the categories outlined above and
- Having any other close relationship (current or historical) with any potential tenderer.

The above is a non-exhaustive list of examples, and it is **your** responsibility to ensure that any and all potential conflicts – whether or not of the type listed out above – are disclosed to the Council in writing prior to you being involved in any drafting of specification, evaluation of any PQQ or tender.

Any disclosure will be assessed by the Council on a case-by case basis. Individuals will be excluded from the procurement process or ongoing contract management where the identified conflict is in the Council's opinion material and cannot be mitigated.

SCC USE ONLY



I, *(Title)* *(Name)* *(Surname)*
(Job title) *(Department)*
(Email address) *(Contact phone number)*

Option 1

"I do not have any conflicts of interest that prevent my full and unprejudiced participation in any procurement process or contract management.

I also declare that I will inform the Council immediately, should my circumstances change in any way that effects this declaration."

Signature

Date

Option 2

"I **do have** a conflict of interest that may prevent my full and unprejudiced participation in a procurement process or contract management. The nature of this conflict of interest is described below:

I also declare that I will inform the Council as soon as is practicable, should my circumstances change in any way that effects this declaration."

Signature

Date

Part 2: CONFIDENTIALITY UNDERTAKING

I, (Title) (Name) (Surname)
(Job title) (Department)
(Email address) (Contact phone number)

In view of the following definitions

“Procurement process” or **“Contract management”** encompasses any formal and informal meetings, associated discussions, meeting preparation and follow up or any other related activity.

“Information” means all information, facts, data and other matters of which I acquire knowledge, either directly or indirectly, as a result of my activities as an evaluator of any supplier Pre Qualification Questionnaire or Tender submissions or as a contract manager or administrator.

“Documents” means all draft, preparatory information, documents and any other material in either paper or electronic form, together with any information contained therein, to which I have access, either directly or indirectly, as a result of my participation in any procurement process or contract management. Furthermore, any records or notes made by me relating to information or documents shall be treated as Confidential Documents.

I understand that I may be invited to participate either directly or indirectly in the procurement process or contract management and agree:

1. To treat all information and documents under conditions of strict confidentiality;
2. Not to disclose, make copies of, or discuss any received information with any person who is not directly involved in the procurement process or contract management;
3. Not to use (or authorise any other person to use) information and documents other than for the purpose of my work in connection with the procurement process or contract management.
4. To dispose of documents as confidential material as soon as I have no further use of them.

This undertaking applies until the time when the tendering process is complete and a contract signed with the chosen tenderer or any existing contract I manage has expired. This undertaking shall not apply to any document or information that becomes public knowledge otherwise than as a result of a breach of any of the above undertakings.

Signature

Date

Part 3: DECISION RECORD BY THE HEAD OF PROCUREMENT

With respect to the above declaration of a potential Conflict of Interest, the Head of Procurement made the following decision:

(*name of person making the declaration*) should **refrain** from performing or getting involved in performing the work/duty, as described in the above declaration, which may give rise to a conflict.

(*name of person making the declaration*) may **continue** to handle the work/duty as described in the above declaration, provided that there is no change in the information declared above.

Head of Procurement

Signature:

Date:

RESPONSE INSTRUCTIONS

- Please ensure that your responses are legible and that any declared conflicts are clearly explained.
- It is important that the above forms are filled in correctly.
- Do not forget to include your contact details so that you may be sent the Decision regarding any declared Conflict of Interest.
- Completed Declarations and Confidentiality Undertakings should be sent either by email (as a scanned image with your signature) or by post to:

Finance and Procurement Support Manager
Staffordshire Procurement
Staffordshire County Council
Wedgwood Building
Tipping Street
Stafford ST16 2DH
Email: heather.gilbert@staffordshire.gov.uk
Telephone: 01785 854659