



LAGOS STATE PUBLIC PROCUREMENT AGENCY

CODE OF CONDUCT FOR PUBLIC PROCUREMENT OBSERVERS

First Edition

FEBURARY 2019

DRAFT LAGOS STATE CODE OF CONDUCT FOR PUBLIC PROCUREMENT OBSERVERS

Pursuant to its functions and powers under the Lagos State Public Procurement Agency Law, Chapter L56, Volume 6, Laws of Lagos State 2015, the Lagos State Public Procurement Agency (LSPPA) hereby issues this Code of Conduct for Procurement Observers in Lagos State involved with Public Procurement in Lagos State.

All Public Procurement Observers are expected to undertake their procurement roles in strict conformity with the following Code:

1. They shall observe the procurement proceedings without participation or interference with the proceedings, or seeking to direct, control, instruct or countermand the decisions of the Accounting Officer, Procurement Office of a procuring entity or any other relevant authority.
2. All observers shall comply with lawful directives/guidelines issued by LSPPA relating to the observance of procuring entities procurement activities.
3. Observers shall comply with all lawful directives of the Accounting Officer, Procurement Office or any other relevant authority of a procuring entity in the course of observing a procurement proceeding.
4. Representatives of all procurement observer groups shall properly identify themselves and the groups or bodies they represent by always wearing their identity cards/badges.
5. Representatives of groups/bodies invited for public procurement observations by procuring entities shall present their letters of introduction from their respective bodies and groups prior to participation in the process
6. Whilst representatives of observer groups may be called upon to comment on the proceedings by the procuring entities; they should make it certain that such comments represent their personal opinions, as their full assessment of the proceedings will be contained in their reports.
7. Representatives of observer groups shall not grant press interviews, comments or express personal opinions on any procurement proceedings save appropriate

approvals are obtained upon submission of their reports to their bodies/groups or in obedience to the lawful directives of a Court.

8. Reports of procurement observer groups shall be submitted to LSPPA, but may also be forwarded to the Procuring Entity.
9. No representative of a public procurement observer group shall wear any apparel which:
 - (a) Reflects affiliation with a Bidder or Service Provider partaking in any procurement proceedings; or
 - (b) In any way canvasses or promotes the interest of a Bidder or Service Provider in a procurement proceeding.
10. No public procurement observer group shall participate in any function or activity that could lead to the perception of leaning or being favourably disposed towards a particular bidder in any procurement proceeding
11. No public procurement observer group shall accept any gift, offer of employment, favour or any other benefit, item or service that can be quantified in monetary terms from any Bidder and Service Provider prior to, during and after any procurement proceedings, especially for proceedings in which the group is to observe or observed.
12. Observers groups shall display strict impartiality in the course of discharging their roles in any procurement proceedings and shall at no time indicate or express any statement capable of public incitement.
13. Observer groups involved with procurement shall decline being involved in any procurement proceedings in which any or some of the Bidders or Service Providers involved in the procurement proceedings are related to any member of the Board of Trustees, Members, Directors and top Management except where such disclosure has been fully made and accepted by LSPPA, or where the success of a particular Bidder or Service Provider in the proceedings will confer a pecuniary and other advantages on the observer group; under such circumstances, it shall fully disclose in writing to the appropriate authorities the justifications for declining to be involved with the proceedings.

14. No observers groups shall lobby to observe a particular procurement proceeding in a procuring entity, except the group(s) seek in writing and obtain the approval of LSPPA
15. Observer groups shall not observe procurement proceedings in a procuring entity where any member of its Board of Directors, Trustees, Member or Management had been or served as a procurement personnel in the last three years, or was likely to be involved in procurement proceedings as a bidder or service provider
16. Observer groups shall not take undue advantage of information or knowledge acquired in the course of observing any procurement proceedings to their advantage by sharing such with competing Bidders or Suppliers for pecuniary interest.
17. All observer groups shall take reasonable steps to be factual and substantiate information, materials and data contained in their reports. In circumstances, where they cannot substantiate issues captured in their draft reports, they should delete such issues or state their inability to verify them and recommend investigation.
18. Public procurement observers groups shall at all times assist the LSPPA in any form of administrative review procedure, or investigation concerning any procurement activity, and extend such assistance to any investigative agency or body as the need arises and if invited for assistance.
19. Public procurement observers groups should at all times deploy competent personnel who are skilled in transparency and accountability issues or the procurement subject-matter to observe procurement proceedings.
20. Public procurement observer groups should expose their personnel to skills enhancement exercises for enhanced output delivery, especially programmes organized by the LSPPA.
21. Public procurement observer groups shall at all times discharge their roles in a manner that upholds the ethical standards under the Law, national and international leading procurement observation/professional practices and standards.
22. Procurement observer groups shall report all breaches of the Law, Regulations, Manuals and other subsidiary legislation observed during procurement proceedings to LSPPA for further actions.

23. A breach of this Code of Conduct constitutes a violation of the Lagos State Public Procurement Agency Law, Chapter L56, Volume 6, Laws of Lagos State 2015.

Qualifications of Public Procurement Observers

1. The organizational mandate as an NGO must include issues of transparency, accountability and anti-corruption, and the NGO or its promoters must have a track record of work in issues of transparency, accountability and anti-corruption.
2. If a professional body, its expertise must be relevant to the goods, work or services being procured.
3. The NGO must have been registered with the Corporate Affairs Commission. If a professional body, it must be chartered by statute or registered by Corporate Affairs Commission.
4. The observer organization must not be one that has been blacklisted by LSPPA and other related bodies at the national and sub-national levels of government for infractions to any Code of Conduct.

Name of Observer Group:

Representative's Name:

Designation of Representative:

Signature: Date: