



Promoting Fairness Transparency and
Efficiency in the Public Procurement
Process

Public Procurement Commission
262 New Garden Street
Georgetown, Guyana
Tel: (592) 226-3729, (592) 231-7306, (592) 226-2364
Email: publicprocurement@ppc.org.gy

CODE OF CONDUCT

FOR MEMBERS OF THE PUBLIC PROCUREMENT COMMISSION

1. Preamble

The Public Procurement Commission (hereinafter referred to as 'the Commission') is an independent and impartial Agency established by Article 212W of the Constitution of Guyana and funded in accordance with Article 222A of the Constitution to ensure its independence.

This Code of Conduct is intended to set basic rules for the *modus operandi* of the members of the Commission and is to be read in tandem with the Rules of the Commission which were approved by the Commission on September 11, 2017.

2. Interpretation

- 2.1. "Asset" means any property acquired by the Commission and for the purpose of carrying out the Commission's work.
- 2.2. "Commission" means the Public Procurement Commission established under Article 212W of the Constitution of Guyana.
- 2.3. "Conflict of Interest" means that a member of the Commission has an interest, actual or perceived, which could compromise his/her judgement, decisions or actions, creating individual bias and/or affecting and/or hampering the work of the Commission.
- 2.4. "Member" means such member of the Commission that was appointed under Article 212X of the Constitution.
- 2.5. "Officer" means any person who is hired as an employee to function in the Secretariat of the Commission, by virtue of Article 212Z of the Constitution.



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- 2.6. "Political Activity" means anything done in active support, whether notorious or unbeknownst to the public, that is directed toward the success or failure of a political party, candidate for partisan political office or group.
- 2.7. "Prescribed Authority" means that authority appointed under the provisions of Article 212Y(4) of the Constitution having oversight of the members of the Commission.

3. General Conduct

- 3.1. Members have a duty to uphold the laws of Guyana and always act in accordance with the law bearing in mind the public trust that is placed upon them.
- 3.2. In the performance of their functions, members shall neither seek nor accept instructions from any person or body external to the Commission.
- 3.3. Members must at all times maintain the highest standard of conduct and professionalism by ensuring confidentiality, respect, integrity, teamwork, commitment and transparency is exemplified.

3.3.1. Confidentiality

- (i) Members must not knowingly make false or misleading statements of any kind, including through email or social media, about the work of the Commission or any of its deliberations.
- (ii) Members shall regard as secret, all documents, information and things disclosed to them in the execution of their duties and shall not divulge information or the contents of any document to any person except to the extent necessary of discharging the functions of the Commission or to assist with prosecution or other legal proceedings.
- (iii) Salaries, benefits and other personnel information relating to members and officers of the Commission must be treated as confidential. Members must



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exercise a high degree of care to prevent the release or sharing of personnel information. In addition, personnel information must only be released or shared with those who may need such information to fulfil their job functions.

3.3.2. Respect

- (iv) Members have the obligation to maintain a work environment that is business-like, free from bias, prejudice and harassment.
- (v) Members must not discriminate against any person on the ground of sex, marital status, colour, race, ethnic or national origin, age, pregnancy, caste, physical or intellectual impairment, political opinion, occupational and social status, creed, language, sexual orientation, religious and ethnical belief or any other legally protected characteristic.
- (vi) Members shall not with corrupt, malicious, unscrupulous, unethical, or intimidating intent, use their influence or position to cause the firing, promotion or demotion of any officer or the hiring or failing to hire any applicant for employment with the Commission.
- (vii) Members shall not use their influence or position to obtain sexual favours from any member or officer or potential officer.

3.3.3. Integrity

- (viii) Members shall not use their office or position to gain advantage or concession for themselves. They must avoid compromising themselves or their office in any situation that may create a conflict of interest.
- (ix) Members shall not accept any offers, gifts of money or other thing(s) that put them in a position of obligation regarding matters under the purview or in connection with the work of the Commission.
- (x) Members must not improperly use any documents, presentations, or any form of software in violation of applicable copyright or trademark laws or licensing agreements.



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- (xi) Relationships with procuring entities and other public bodies must always be maintained with honesty and integrity.

3.3.4. Teamwork

- (xii) Members must maintain order and decorum with each other and must always treat each other with respect.
- (xiii) Members must work co-operatively with each other giving courteous consideration of their opinions.

3.3.5. Commitment

- (xiv) All members are accountable to discharge the duties of their office diligently, honestly, in good faith and in the best interest of the Commission rather than in the interest of any other person, entity or stakeholder.

3.3.6. Transparency

- (xv) Members must not perform an act in their private capacity for personal gain that may be construed as an official act.
- (xvi) Members must visibly, predictably and understandably make decisions and take actions in an open and transparent manner. They must ensure transparency in all their actions by making available the relevant information to all concerned, unless there are clear and lawful reasons to withhold same.

4. Conflict of Interest

- 4.1. Members must avoid all conflicts of interest with respect to their duties imposed on them by law.
- 4.2. Subject to the definition stated in section 2, a conflict of interest occurs when a member does any of the following, in relation to a matter brought before the Commission:



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- a. receives a gift or promise of a gift;
- b. maintains relationship with any person holding an interest,
- c. does or omits to do any acts which causes impairment to the impartiality needed to conduct his/her duties.

4.3. Members must disclose if there is any conflict(s) of interest, actual or perceived, regarding any matter relative to the execution of the functions of the Commission and or any matter(s) before it.

4.4. It shall be the duty of every member who is in any way, whether directly or indirectly, interested in such matters to declare the nature of his interest immediately to the Commission after the conflict was realised.

4.5. A member who has declared a conflict of interest, shall immediately recuse himself from any matter in which the conflict is realised.

4.6. A member who fails to recuse himself shall be removed from all proceedings touching and concerning the particular matter, subject to a majority vote by the Commission.

5. Political Activity

5.1. Members shall not engage in any activity that is of a partisan political nature and in particular any kind of public pronouncements which may adversely reflect on their status as members of an independent and impartial public body.

6. Use and Protection of Assets

6.1. Members are expected to refrain from converting the Commission's assets to personal use.

6.2. All property and business of the Commission must be conducted in a manner to further the Commission's interest rather than the personal interest of any member.



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7. Intellectual Property

7.1. The Commission is committed to complying with laws and regulations that govern the rights and protection of trademarks, patents, trade secrets and other forms of intellectual property.

8. Conduct After Leaving Office

8.1. Members must act in such a manner so as not to make use of any information obtained in their respective professional capacities that is not generally available to the public.

9. Failure to Comply with the Code of Conduct

- 9.1. Where a member has failed to comply with the Code of Conduct, the matter may be raised and discussed with such member, by the Chairperson of the Commission.
- 9.2. Should there be no resolution to the breach from the discussion, the Prescribed Authority, [being the Chairperson in the case of members of the Commission, and the Speaker of the National Assembly in the case of the Chairperson] may inform the President of such breach and pursuant to Article 225(4) of the Constitution of Guyana advise him that the question of removing the officer from office ought to be investigated.
- 9.3. The President may suspend or remove a member from office if the alleged breach is proven to amount to misbehaviour within the meaning of Article 225(2) of the Constitution of Guyana.

Adopted at a Meeting of the Commission held on 16th day of May 2024.

¹ Amendment adopted at a Meeting of the Commission held on 6th day of June 2024.