

# Conflict of Interest and Confidentiality Agreement



## What and Who?

A Conflict of Interest is a circumstance where an individual has a personal interest, obligation, loyalty or relationship that may influence or be perceived to influence the performance of their responsibilities of their job/position. Conflicts of Interest:

- may be actual, potential or perceived
- may result in positive or negative undue bias
- may call the individual's independence, objectivity or impartiality into question
- include past, current or possible future interests, obligations, loyalties, bias or relationships that an individual or someone associated with the individual (e.g. family members, friends) may have
- include gifts or hospitality from a respondent<sup>1</sup> offered to or received by an individual or someone associated with the individual.

All individuals involved in a procurement must complete, sign and submit this agreement at the commencement of their involvement and must immediately inform the Procurement Officer for the procurement of any circumstance that arises that could represent a Conflict of Interest.

<b>Name:</b>
<b>Position:</b>
<b>Organisation:</b>
<b>Procurement Title:</b>
<b>Role in the procurement:</b>

*"In a small country like ours, conflicts of interest in our working lives are natural and unavoidable. The existence of a Conflict of Interest does not necessarily mean that someone has done something wrong, and it need not cause problems. It just needs to be identified and managed carefully."*

Controller & Auditor-General

## Do you have any actual, potential or perceived conflicts of interest?

Do you have any personal interest in the outcome of this procurement?  
(e.g. you own shares in a respondent or related company)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Do you have a relationship (e.g. family, friend or associate) with someone that may have a personal interest in the outcome of this procurement?  
(e.g. a family member is an employee of a respondent)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Do you have any personal obligation, loyalty or bias that could influence the way you perform the responsibilities of your job/role in relation to this procurement?

(e.g. a close friendship with an employee of a respondent)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

<sup>1</sup> Including potential respondents

Have you or anyone associated with you (e.g. family member, friend) received or been offered any benefit by a respondent to this procurement within the last 12 months?

(e.g. gifts, hospitality, discounts)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Are you aware of any circumstance that could give the appearance that you may have a bias towards or against any respondent?

(e.g. during the last 12 months:

- you have expressed strong views about a respondent
- you or someone associated with you has worked for a respondent
- you or someone associated with you has been in communication with a respondent in relation to prospective of employment
- you have used a respondent's corporate box at a sports event.)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

## Confidentiality responsibilities

All discussions, meetings and material (written and electronic) relating to this procurement are confidential and I agree to keep this information confidential and safe. I will not breach the confidentiality of this procurement by giving this information to anyone who has not signed a Conflict of Interest and Confidentiality Agreement for this procurement without the prior approval of the Procurement Officer.

## Restrictions on contact with respondents

I agree that my contact with respondents is restricted during the procurement. Until the procurement has been concluded (e.g. contract awarded) I agree to not:

- meet or otherwise communicate with any respondent in relation to this procurement other than in a official capacity as part of the procurement
- accept any benefit (e.g. gift, hospitality, discount) from any respondent.

I agree to immediately report to the Procurement Officer any circumstance that could represent a Conflict of Interest including:

- any attempt by a respondent to communicate with me in regard to this procurement (e.g. meeting or information requests other than in a official capacity as part of the procurement process)
- any communication between a respondent and me or anyone associated with me (e.g. family members, friends) that could be perceived as raising a Conflict of Interest (e.g. communication relating to prospective employment with a respondent)
- the offering or receiving of any benefit or inducement (e.g. gift, hospitality, discount) by any respondent.

## Declaration of Conflict of Interest

<p><b>Actual</b> Conflict of Interest is where you already have a conflict.</p> <p><b>Potential</b> Conflict of Interest is where the conflict is about to happen or could happen.</p> <p><b>Perceived</b> Conflict of Interest is where other people might reasonably think you are not being objective.</p>	<p>If you have answered <b>‘Yes’</b> or <b>‘Potentially’</b> to any of the above questions, detail of the circumstances:</p>
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## Your declaration

<p><b>Declaration</b> – I confirm/agree that:</p> <ul style="list-style-type: none"> <li>to the best of my knowledge, the above details are correct</li> <li>I make this declaration in good faith</li> <li>I will not breach the confidentiality of this procurement</li> <li>I will not meet or otherwise communicate with any respondent in relation to this procurement other than in an official capacity as part of the procurement process</li> <li>I will not accept any benefit from any respondent during this procurement</li> <li>I will immediately inform the Procurement Officer of any circumstance that arises that could represent a Conflict of Interest.</li> </ul> <p>I acknowledge that breaching confidentiality, communicating with respondents about this procurement, accepting any benefit from a potential supplier, making a false declaration or failing to immediately inform the Procurement Officer of any circumstance that could represent a Conflict of Interest may be regarded as serious misconduct.</p>		
Signature:		Date:
<p><b>Review by Procurement Officer<sup>2</sup></b> – I confirm that I have received this declaration and noted the contents.</p>		
Name:		
Signature:		Date:

<sup>2</sup> For the Conflict of Interest and Confidentiality Agreement of Procurement Officer, substitute “Procurement Sponsor” for “Procurement Officer” in this agreement.

## Conflict of Interest Management Plan

Procurement Title:

Circumstances of the Conflict of Interest:

### How the Conflict of Interest will be managed

**There are six options for managing or resolving the Conflict of Interest:**

**Report** Advise evaluators and request that any perceived undue bias is reported

**Restrict** involvement in the process

**Recruit** an independent third party to oversee part or all of the procurement

**Remove** the individual from the procurement

**Relinquish** the private interest that causes the conflict

**Resign** from the agency

The following plan has been agreed to manage the above Conflict of Interest:

**Declaration** – I agree to the above Conflict of Interest Management Plan

Name:  
(Person with the Conflict of Interest)

Signature:

Date:

**Approval** – I approve the above Conflict of Interest Management Plan

Name:  
(Procurement Sponsor<sup>3</sup>)

Signature:

Date:

<sup>3</sup> For Conflict of Interest Management Plans for the Procurement Sponsor, approval of the Procurement Sponsor's Manager is required.