



**Ministry of
JUSTICE**

National Offender
Management Service



European Social Fund 2011 – 2014 – Technical Assistance – Social Enterprise Procurement 2012

ETHICAL WALLS – STATEMENT OF PRINCIPLES AND REQUIREMENT TO DECLARE INTERESTS

The Ministry of Justice (MoJ) will shortly be launching a procurement process as part of the Social Enterprise strand. This is funded through the National Offender Management Service (NOMS) Co-financing Organisation (CFO) European Social Fund (ESF) Technical Assistance (TA) programme.

The MoJ ensures that in running any competition it adheres to strict principles governing the conduct of MoJ staff. This is to ensure that no advantage or disadvantage accrues to any potential provider whether they are from the public, private, Voluntary, Community and Social Enterprise (VCSE) sector or any hybrid organisation. Strict ethical walls need to be established and declared to ensure that there is no confusion between MoJ staff and potential providers.

The procurement for this tender will be run by MoJ Procurement operating on behalf of the NOMS CFO under the Director of Procurement. Specifically it is accountable and responsible for: running this competition in accordance with prevailing law and regulation, and best practice; and recommending the selection of the most economically advantageous tender(s) having regard to the relevant price and quality criteria. A discrete team has been established within MoJ Procurement to lead this particular competition. MoJ Procurement will also provide on-going contract management support for any agreements that result from this competition. The policies and procedures operated by MoJ Procurement are validated by the Chartered Institute of Purchasing and Supply. Any concerns or questions about this competition should be referred to MoJ Procurement in the first instance.

Background

The NOMS CFO Social Enterprise strand has a number of themes, but is fundamentally about improving the ability of the social enterprise sector to participate in current and future delivery.

The primary objective is of building capacity within the social enterprise sector so that enterprises of all sizes are better able to participate in CFO and wider NOMS delivery. The competition should enable achievement of this objective both through the creation of new delivery partners and also through the wider engagement and investment in the sector which the competition process involves.



Signature Required

MoJ staff with regulatory, commissioning or procurement involvement in this competition shall be required to sign a declaration as set out in Appendix 1 agreeing to avoid any conflict of interest. Any breach of this declaration by MoJ staff may be subject to disciplinary proceedings.

For probation staff a separate declaration is required due to Trust and separate corporate governance status. This is attached at Appendix 2 with separate declarations required for those involved on the commissioning side and, where relevant, involved in the bidding process either as a member of consortia or partnership.

A declaration is required from every Probation Trust.

References to the “services and works” in the declaration relate solely to this procurement exercise.

Current ESF Prime Providers

A separate communication is being issued to all current ESF Prime Providers. This is to ensure that there is a clear separation within their organisation between individuals/teams involved in bidding for this procurement and those involved as stakeholders in the process.

To ensure that no advantage or disadvantage accrues to any existing provider whether they are from the public, private, VCSE sector or any hybrid organisation, all queries in relation to this tendering exercise should be directed to MoJ Procurement. Queries from bidders pertaining to this tendering exercise will be recorded by MoJ Procurement and the responses made available to all bidders.

Contact points

To assist the procurement exercise and all potential providers, appropriate points of contact will be declared to notify those staff involved on the commissioning side of the ethical wall and those involved in the bidding process.

The designated points of contact will enable potential providers to gather information. This will also enable potential providers to demonstrate engagement in support of their proposed consortia and delivery models. Guidance will be issued to all potential providers to ensure that they are aware of the distinction between forging relationships to inform bids and that of lobbying or influencing tendering decisions.



Prisons

Potential bidders should not contact prisons directly even though it is recognised that they may wish to engage with prisons to discuss the tender opportunity and possible proposals and models. Potential bidders will, therefore, be directed to the respective designated points of contact that will facilitate contact with relevant prison staff where appropriate. Any direct approach from potential providers should be directed to the designated contact. This will be made clear to bidders in the tender documentation issued at each stage of the procurement process.

For prison staff a separate declaration is required. This is attached at Appendix 3 with separate declarations required for those involved on the commissioning side and, where relevant, involved in the bidding process either as a member of consortia or partnership.

A declaration as attached at Appendix 3a is required from every Prison; Appendix 3b must be completed only where prison staff will be involved in the bidding process.

References to the “services and works” in the declaration relate solely to this procurement exercise.

Queries in relation to this statement

Any queries in relation to this document should be directed to Simon Ambrose (Assistant Procurement Category Manager) at simon.ambrose@noms.gsi.gov.uk.

Returning completed declarations

Completed electronic declarations should be forwarded to Simon Ambrose at simon.ambrose@noms.gsi.gov.uk or by post to Simon Ambrose, Assistant Procurement Category Manager, European Social Fund, Ministry of Justice Procurement Directorate, , 2nd Floor, 2.15 Clive House, 70 Petty France, London, SW1H 9EX.

A register of all completed returns will be maintained and made available to all bidders on the NOMS CFO website: www.co-financing.org.

Joanna Fernandes
Procurement Category Manager
08/02/12



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Appendix 1 – Conflict of Interest Declaration for MoJ staff

Competition for European Social Fund 2011 – 2014 – Technical Assistance – Social Enterprise Procurement 2012

1. I am aware that my role within the Ministry of Justice (“MoJ”) involves assisting with the commissioning of services and works where tenders are being invited from bidders with public, private, Voluntary, Community and Social Enterprise sector and hybrid ownership structures.
2. I understand that a conflict of interest may arise as a result of any direct or indirect contact that I might have, either for work purposes or socially, with any person involved directly or indirectly in bidding for the services (a “Bid Team Member”).
3. I undertake not to discuss or share any information relating to the commissioning of the services and works with any person who I know or have reason to believe is a Bid Team Member or an immediate colleague, acquaintance or relative of a Bid Team Member unless I am specifically authorised in writing to supply the information as part of my official duties, whether or not the information is lawfully in the public domain.
4. I am aware of and will have access to an up to date register (published on the NOMS CFO website) of those individuals that have signed this Conflict of Interest Declaration. I agree to promptly notify the Director of Procurement if I am approached for information relating to the commissioning of services and works by any person who is not listed on this register.
5. I understand that if I knowingly or carelessly fail to comply with these obligations I may face disciplinary proceedings.

Signed:

Name:

Role:

Dated:



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Appendix 2a – Probation Conflict of Interest Declaration – Commissioning Side

Competition for European Social Fund 2011 – 2014 – Technical Assistance – Social
Enterprise Procurement 2012

(To be signed by all staff involved in commissioning the services)

1. I am aware that my role within [insert probation area here] involves assisting with the commissioning of Services where tenders are being invited from bidders with public, private, Voluntary, Community and Social Enterprise sector and hybrid ownership structures.
2. I understand that a conflict of interest may arise as a result of any direct or indirect contact that I might have, either for work purposes or socially, with any person involved directly or indirectly in bidding for the services (a “Bid Team Member”).
3. I undertake not to discuss or share any information relating to the commissioning of the services and works with any person who I know or have reason to believe is a Bid Team Member or an immediate colleague, acquaintance or relative of a Bid Team Member unless I am specifically authorised in writing to supply the information as part of my official duties, whether or not the information is lawfully in the public domain.
4. I understand that if I knowingly or carelessly fail to comply with these obligations I may face disciplinary proceedings.

Signed:

Name:

Role:

Dated:



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Appendix 2b – Probation Conflict of Interest Declaration – Bidding Process

Competition for European Social Fund 2011 – 2014 – Technical Assistance – Social Enterprise Procurement 2012

(To be signed by all staff involved with bidding)

1. I am aware that my role with [insert probation area here] involves working on the bidding process.
2. I understand that a conflict of interest may arise as a result of any direct or indirect contact that I might have, either for work purposes or socially, with any person involved directly or indirectly in commissioning the services either from [insert probation area here] or the Ministry of Justice (the commissioning side).
3. I undertake not to discuss or share any information relating to the content of potential bids with any person who I know or have reason to believe is from the commissioning side; or, a bid team member or an immediate colleague, acquaintance or relative of a bid team member from another organisation, unless I am specifically authorised in writing to supply the information as part of my official duties, whether or not the information is lawfully in the public domain.
4. I understand that if I knowingly or carelessly fail to comply with these obligations I may face disciplinary proceedings.

Signed:

Name:

Role:

Dated:



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Appendix 3a – Prison Conflict of Interest Declaration – Commissioning Side

Competition for European Social Fund 2011 – 2014 – Technical Assistance – Social Enterprise Procurement 2012

(To be signed by all staff involved in commissioning the services)

5. I am aware that my role within [insert name of prison here] involves assisting with the commissioning of Services where tenders are being invited from bidders with public, private, Voluntary, Community and Social Enterprise sector and hybrid ownership structures.
6. I understand that a conflict of interest may arise as a result of any direct or indirect contact that I might have, either for work purposes or socially, with any person involved directly or indirectly in bidding for the services (a “Bid Team Member”).
7. I undertake not to discuss or share any information relating to the commissioning of the services and works with any person who I know or have reason to believe is a Bid Team Member or an immediate colleague, acquaintance or relative of a Bid Team Member unless I am specifically authorised in writing to supply the information as part of my official duties, whether or not the information is lawfully in the public domain.
8. I understand that if I knowingly or carelessly fail to comply with these obligations I may face disciplinary proceedings.

Signed:

Name:

Role:

Dated:



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Appendix 3b – Prison Conflict of Interest Declaration – Bidding Process

Competition for European Social Fund 2011 – 2014 – Technical Assistance – Social Enterprise Procurement 2012

(To be signed by all staff involved with bidding)

5. I am aware that my role with [insert name of prison here] involves working on the bidding process.
6. I understand that a conflict of interest may arise as a result of any direct or indirect contact that I might have, either for work purposes or socially, with any person involved directly or indirectly in commissioning the services either from [insert name of prison here] or the Ministry of Justice (the commissioning side).
7. I undertake not to discuss or share any information relating to the content of potential bids with any person who I know or have reason to believe is from the commissioning side; or, a bid team member or an immediate colleague, acquaintance or relative of a bid team member from another organisation, unless I am specifically authorised in writing to supply the information as part of my official duties, whether or not the information is lawfully in the public domain.
8. I understand that if I knowingly or carelessly fail to comply with these obligations I may face disciplinary proceedings.

Signed:

Name:

Role:

Dated: