



## Annex E: Observers and Monitors Code of Conduct

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## PART I

### **ROLE OF BIDS AND AWARDS COMMITTEE OBSERVERS**

#### **Basis of Bids and Awards Committee Observer:**

It is made clear that the “public” as stakeholders are encouraged and enabled to be involve in observing the conduct of public procurement with the result of ensuring these contracts are awarded and implemented according to the law.

Pursuant to Section 13.1 of the GPRA 9184, it states “To enhance the transparency of the process, the BAC shall, in all stages of the procurement process, invite, in addition to the representative of the COA, at least two (2) observers to sit in its proceedings<sup>1</sup>”. Observers are therefore mandated to be part of public procurement all throughout the conduct of public procurement.

#### **Basis of Contract Implementation Monitoring**

The law also provides for monitoring the contract implementation/delivery of contracts. Pursuant to Sec 3.e of the law, it states “Public monitoring of the procurement process and the implementation of awarded contracts with the end in view of guaranteeing that these contracts are awarded pursuant to the provisions of this Act and its implementing rules and regulations, and that all these contracts are performed strictly according to specifications<sup>2</sup>”.

#### **Department Order 59**

In compliance with the law, the Department of Education issued Department Order 59 institutionalizing the participation of CSO in the conduct of its procurement and contract implementation. The DepEd Order also states that “The Department of Education shall tap individuals that have expressed their intent to volunteer as official observers<sup>3</sup>”. This is intends to involve the community and foster the spirit of volunteerism amongst its stakeholders.

#### **Who can be Observers and Monitors?**

The law provides that “at least one (1) shall come from a duly recognized private group in a sector or discipline relevant to the procurement at hand and another from non-government organization with knowledge, experience or expertise in the procurement at hand. These organizations should also be registered with the Securities and Exchange Commission<sup>4</sup>. In this light, if a person had received training and orientation on the law, provide further that his/her NGO is duly registered with the SEC, he/she qualifies to be an observer. In addition, D.O.#59 provides that procurement observers and contract implementation monitors should be registered under the DepEd school, district, division or region of the procurement at hand<sup>5</sup>.

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<sup>1</sup> GPRA, p.42

<sup>2</sup> Ibid, p.2

<sup>3</sup> DepEd Order #59,Section F.2, p.5

<sup>4</sup> GPRA, p.2

<sup>5</sup> DepEd Order #59, Section F.3, p.5

## PART II

### **OBSERVERS/MONITORS CODE OF CONDUCT**

#### **How to be an Effective Observer/Monitor**

Civil Society Organization observers/monitors should be exemplars of good work ethic and carry out their duties professionally. As with other occupation, competence is very important. Similarly, it is important for observers/monitors participating in public bidding and contract implementation to conduct themselves properly. The observer/monitor must always bear in mind to follow certain key principles to be an effective BAC observer/contract implementation monitor.

#### **Key Ethical Principles:**

- Treat government as partners with the end result of ensuring transparency and improvement of the agency's system of procurement.
- Adopt a systemic approach in combating corruption in public procurement and contract implementation stages.
- Recognize that corruption is the enemy and not the government.
- Avoid witch hunting—observing/monitoring with the idea that everybody is corrupt and he is there to catch them.

#### **Code of Conduct:**

- Avoid being late. Punctuality is a virtue that observers and monitors should have.
- Always wear their Bantay Eskuwela ID and T-Shirts
- Wear maong pants and rubber shoes (wearing short, short pants is prohibited for women).
- Do not forget to bring the Bantay Eskuwela Volunteer Tool Kit
- Observers/monitors is expected to be knowledgeable on the law and it's IRR-A
- Always be polite especially when asking questions
- Advise Community Volunteer Coordinator (CVC) in advance in case he/she cannot attend the scheduled activity
- Directly accomplish and submit reports to CVC or PWI Project Officer in Charge \

#### **Volunteers Duty**

Bantay Eskuwela Volunteers are also expected to exemplify the following the following values and philosophy:

1. To perform duties to the best of ones ability and advocate for transparency and accountability in a positive and supportive manner.
2. To support the advocacy of “Transparency and Accountability” in the procurement process and contract implementation/delivery;
3. To support and adhere to PWI's rules, policies and procedures.
4. To meet time and duty commitments, or to provide adequate notice so that alternate arrangements can be made, e.g., attending local meetings, trainings, monitoring the delivery of school furniture, etc.
5. To agree and adopt the PWI ‘Code of Conduct and Ethics’;
6. To observe parliamentary procedures during meetings and be respectful of others.
7. To support, in a positive manner, all actions taken by PWI.

8. To assist in the development and growth of the program by seeking out volunteer opportunities and providing membership referrals.

Holding fast to these principles, the observer is likely to develop good relations with the DepEd where he/she is observing and monitoring. Moreover, this will foster an enabling environment that will encourage constructive and critical criticism.

### **Key Policies**

Observers and monitors must maintain their integrity and be able to stand up to public scrutiny. Thus observers and monitors are expected to abide to the following:

- a) The observer/monitor shall notify the CVC in advance and abstain from attending bidding activities or monitoring delivery if he/she has direct pecuniary interest to procurement at hand and if he/she is related to the bidder up to the 3<sup>rd</sup> civil degree of affinity or consanguinity.
- b) The observers/monitors are prohibited from receiving any form of undeclared gratuity directly related to the procurement at hand and in line with one's role as an observer affecting independent judgment.
- c) Observers/monitors are prohibited from discussing relevant information related to the bidding activity. Observers/monitors should not jeopardize the information with any of the bidders from Bid Opening until the issuance of the Notice of Award.

### **Administrative Sanctions**

In case the CVC or volunteers are found to have violated the above mentioned provisions, with consultation with the CVC, the following administrative sanctions shall be implemented:

#### **Termination of Engagement**

1. Non-performing / gross negligence of duties
2. Violation of policies
3. Engaging in corrupt practices

For items number 1 and 2, PWI shall apply follow the 3-strike rule for corrective and rehabilitative measures