

**[ OMB OFFICE ORDER NO. 05-303, S. 2005,  
October 20, 2005 ]**

**CUSTOMIZED CODE OF CONDUCT FOR OFFICIALS AND  
EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN INVOLVED IN  
THE PROCUREMENT PROCESS**

**I. Purpose:**

Procurement involves disbursement of public funds or funds placed under its official custody and the basic rule is that such funds should be properly spent by the Office. If the procurement is well managed by those involved in the procurement process, then, corruption and wastage of resources are avoided.

The Office of the Ombudsman is committed to the principle of good governance and it has exerted efforts to adhere to the principle of transparency, accountability, equity, efficiency, competitiveness and economy in the conduct of its procurement of Goods (all items, supplies, materials, equipment and general services) and Consulting Services and in contracting Infrastructure Projects. To ensure the integrity of the procurement process in the Office, it is essential to establish a customized Code of Conduct for all its officials and employees involved in the procurement process.

**II. Scope:**

This customized Code of Conduct shall apply to all officials and employees of the Office who are involved in the procurement process, namely: the BAC, the TWG, the TIG, the BAC Secretariat, the PMS/GSD, the FMS, the Accounting Division, the Planning and Budget Division, the Cashiering Unit, the Officials who are signatories to the Contracts/Agreements and the respective end-users.

**III. Policies and Rules:**

*Section 1. Definition of Terms*

As used herein, the term:

1.a Procurement \_ refers to the acquisition of Goods and Consulting Services, and the contracting for Infrastructure Projects by the Office of the Ombudsman.

1.b Goods \_ refer to all items, supplies, materials, equipment and general support services.

1.c Consulting Services \_ refer to services for Infrastructure Projects and other types of projects or activities of Government requiring adequate external technical and professional expertise including advisory and review services, pre-investment or feasibility studies, design, construction supervision,

management and related services, and other technical services or special studies.

1.d Infrastructure Projects / Civil Works - include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, rail

ways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage & solid waste management systems, shore protection, energy / power and electrification facilities, national buildings, school buildings, hospital buildings and other related construction projects of the government.

1.e Code \_ refers to the customized Code of Conduct for the Office of the Ombudsman BAC other Committees/Offices involved in procurement.

1.f Office \_ refers to the Office of the Ombudsman.

1.g Gift \_ refers to a thing disposed of gratuitously in favor of another, and shall include a simulated sale or a disposition onerous to the giver.

1.h Benefit \_ refers to a right, privilege, entertainment, exemption or any other similar act of liberality in favor of another.

1.i BAC Secretariat \_ refers to the members of the support staff to the Bids and Awards Committee and the custodians of the procurement records.

1.j Suppliers / Contractors \_ refer to persons or group of persons, or entities that supply Goods and Consulting Services and contract for Infrastructure Projects.

1.k BAC \_ Bids and Awards Committee

1.l TWG \_ Technical Working Group

1.m TIG \_ Technical Inspection Group

1.n PMS \_ Property Management Section

1.o GSD \_ General Services Division

1.p IRR-A \_ Implementing Rules and Regulations Part A

1.q COA \_ Commission on Audit

1.r NGO \_ Non-Government Organization

1.s PS-DBM \_ Procurement Service Department of Budget and Management

1.t FMS \_ Finance and Management Services

1.u End-user \_ refers to the officers and employees of the unit for which the Goods, Consulting Services and Infrastructure Projects are intended.

1.v Signatories to the Contract - refer to the Officials who execute and sign the contract / agreement for the Office.

## *Section 2. General Provisions*

The Chairman and Members of the Ombudsman BAC, TWG, TIG, the BAC Secretariat, and the officials and employees of the PMS / GSD, FMS, Planning and Budget Division, Accounting Division, Cashiering Unit, and the signatories to the contract, while in the performance of their duties and responsibilities as such, shall:

2.a Adhere strictly to the principles and provisions of laws and rules promoting transparency, accountability, equity, efficiency, professionalism, competitiveness and economy in procurement.

2.b Strictly avoid all situations that may give rise or tend to give rise to situations of conflict of interests or suspicions of conflict of interests. Should a conflict of interest arise, pursuant to Rule V of OMB Office Order Number 05-13 dated January 24, 2005, on the Norms of Behavior for Officials and Employees of the Office of the Ombudsman, it shall be the duty of the concerned official or employee to immediately disclose the same to his/her immediate supervisor and terminate the same, by way of a written declaration hereof. The written declaration on conflict of interest may be done periodically or for every contracting process.

2.c Absolutely refrain from soliciting and/or accepting, directly or indirectly, gifts and benefits for themselves or for others, from the suppliers, contractors and/or consultants regardless of whether or not said suppliers, contractors and/ or consultants are transacting business with the Office of the Ombudsman.

2.d Absolutely refrain from accepting invitations or offers from suppliers, contractors and/or consultants or their representatives for meetings and conferences outside the Office.

2.e Strictly refrain from having personal contacts or interactions with suppliers, contractors and/or consultants. The latter are not allowed to enter the office premises, unless necessary to transact official business in which case their stay shall not be longer than what is required to finish their official transaction.

2.f Strictly adhere to the mandated time frames as provided for in Republic Act No. 9184 and its Implementing Rules and Regulations.

2.g Refrain from unduly influencing or exerting undue pressure upon any member of the BAC or any officer or employee of the procuring entity or office to take a particular action which favors, or tends to favor a particular supplier, contractor and/or consultant.

2.h Strictly refrain from inviting as guests and getting as ninongs, ninangs, sponsors or donors the suppliers / contractors and/or consultants transacting business with the Office to avoid closeness and familiarity as well as the perception that undue benefit and/or advantage is being given to the member concerned of the BAC, TWG, TIG, PMS/GSD, BAC Secretariat, FMS, Planning and Budget Division, Accounting Division, Cashiering Unit, as well as the signatories to the contract.

2.i Strictly observe the norms of behavior enunciated under Office Order Number 05-13 dated January 24, 2005, particularly on the provisions relating to Conflict of Interests and Confidentiality of proceedings.