



# ORIONCONSULTINGASSOCIATES

## Code of Conduct

### 1. Introduction

It is well recognised that corruption is harmful and seriously jeopardizes development. They who suffer most from corruption are often the intended beneficiaries; the poorer part of the population. Both developed and developing countries share responsibility to fight corruption at every level of society. This includes taking responsibility, especially as a consulting firm that operates in the sector Public Works and Construction, listed highest in the scale of bribery (FIDIC research- UNCITRAL Working Group I (Procurement), 6th Session, Vienna, 30 August –3 September, 2004)

In 1994 the Organization of American States and the European Union were instrumental in the founding of Transparency International, ‘a global civil society organisation leading the fight against corruption, bringing people together in a worldwide coalition to end the devastating impact of corruption on men, women and children around the world.’ Its mission is to create change towards a world free of corruption.

Consultants are often confronted with corrupt practices, especially in procurement. The International Federation of Consulting Engineers (FIDIC) together with the main international funding agencies issued a policy statement in 1996 as a first step in exploring ways, together with the large multilateral funding institutions, to protect the consulting engineering industry from exposure to corruption.

FIDIC’s policy statement concludes “that corruption is basically wrong because it undermines the values of society, breeds cynicism and demeans the individuals involved. It is more than stealing funds, it is stealing trust”.

Transparency International defines corruption as follows: **“Corruption is the abuse of entrusted power for private gain. It hurts everyone whose life, livelihood or happiness depends on the integrity of people in a position of authority.”**

In December 1997 the OECD convention on bribery was co-signed by 34 countries.

The WB, IMF, WTO, ADB, AfDB have redefined their policies on corruption and took a much more proactive stand in fighting corruption.

FIDIC developed the Business Integrity Management System (BIMS) in consultation with the major development banks. The Model Code of Conduct is part of BIMS. The FIDIC Integrity Management Task Force says: “To operate successfully in an increasingly globalised world, while subjected to the competitive pressures of a free market, a firm’s procedures will have to conform to generally accepted best practices. In particular, ethical behaviour toward all the firm’s stakeholders – Clients, suppliers, owners, employees and society in general – must be key and visible”



This Code of Conduct of Orion Consulting Associates (OCA) is the basis for its operations in the market. The content is under constant review aiming to improving its clarity and practicable application.

## 2. Social responsibility

- 2.1 OCA is morally obliged to assume ownership for the content of its advisory services
- 2.2 OCA is diligent in its approach to accomplish effectiveness and strives to achieve outputs that benefit society and the target group.
- 2.3 OCA shall on a continued basis assess the effectiveness of its services with regard to the social responsibility and advice the Client accordingly.

## 3. Professionalism

- 3.1 OCA is committed to achieving the best possible results through the provision of high quality services to the Client and to the benefit of the target group.
- 3.2 OCA only undertakes assignments that it has confidence in achieving the highest professional level and if it provides added value to the Client and the counterpart organisation.
- 3.3 OCA strives to permanent improvement of its knowledge base, abilities and tools in its areas of expertise aiming to improve the quality of services.
- 3.4 In providing services for the Client, OCA employees, staff and contracted experts (hereinafter called OCA personnel) shall:
  - 3.4.1 On behalf of the Client perform the services at minimum to a standard of a competent, experienced and professional practitioner, and adhering to the Clients guidelines and code of conduct.
  - 3.4.2 Not share information known as a result of their work on, or relationship to, the services in a way that a reasonable person could foresee may be detrimental to the relationship between the Client and Partner Country governments.
  - 3.4.3 Pro-actively ensure compliance to all relevant requirements under the contract of services, set by the Client.
- 3.5 With regard to reporting, OCA shall ensure that:
  - 3.5.1 All reports provide the information required and are conform the quality and format requirements specified by the Client.
  - 3.5.2 All contributing authors are acknowledged in their reports.
  - 3.5.3 Reporting lines and formats follow the directives from the Client and partner organisation and that reports are subject to internal quality assurance prior to submission.

## 4. Objectivity of OCA

- 4.1 OCA will act with loyalty to its Clients, and will maintain the confidentiality of any information from the Client that is obtained in the process of performing its services.
- 4.2 OCA will keep confidential the documents and reports prepared for the Client

- 4.3 OCA will avoid any conflict of interest, and will inform the Client beforehand of any potential conflict of interest that could emerge during the execution of provision of services.
- 4.4 OCA will only offer its services under contracting terms that will not interfere with its independence, integrity and objectivity.
- 4.5 OCA personnel shall under no circumstance represent itself as being, an employee, partner or agent of the Client if the Client does not expressly instruct such.
- 4.6 If solicited to review the work performed by another consultant, OCA will act in accordance with its business integrity and maintain objectivity and transparency.

## 5. Corporate Integrity

- 5.1 OCA will only solicit consulting work and participate in private and public competitive bidding under the highest standard of corporate ethics and competitive practices, and with total integrity in its transactions. Under no circumstances will OCA participate in graft and corruption.
- 5.2 OCA will not accept any remuneration, gifts or favours that could encourage the firm or its personnel to offer a biased opinion.
- 5.3 OCA will not take part in activities that could damage the reputation or business of others.
- 5.4 OCA will act at all times for the benefit of Clients, and will carry out services with professional integrity, while not jeopardizing the interests of society.
- 5.5 OCA will not endorse compensation or contribution arrangements that are destined to influence or secure consulting work, nor seek commissions from suppliers of equipment and services recommended to the Client as part of OCA's consulting services.
- 5.6 Promotional activity of OCA and its services will uphold the dignity and reputation of the industry. Brochures and other formal documentation describing resources, experience, work and reputation, will reflect the OCA's actual circumstances in a truthful manner.
- 5.7 OCA shall:
  - 5.7.1 At all times act in a fit and proper manner while carrying out work or performing duties.
  - 5.7.2 Endeavour that OCA personnel or his/her accompanying family members do not become involved in the political affairs or interfere in the religious affairs of the Partner Country of the Client (unless citizens of the Partner Country); or share information known as a result of their work on, or relationship to, the services in a way that a reasonable person could foresee may be detrimental to the relationship between the Client and Partner Governments.

## 6. Fraud and corruption prevention and management

- 6.1 OCA has a zero tolerance approach to fraud and corruption. Prevention, prompt detection and an adequate response are key to the management of fraud and corruption.
- 6.2 The overall responsibility for the management of fraud and corruption lies with OCA's Board of Directors.

- 6.3 The Code of Conduct clearly articulates OCA's ethical standards and is distributed to all employees and short-term consultants and forms part of OCA's standard Associate Consultant's Agreement (ACA).
- 6.4 Fraud and corruption prevention strategies in place include:
  - 6.4.1 Carry out an employee and third party due diligence as part of OCA's recruitment procedures.
  - 6.4.2 Having internal controls for specific administrative processes (invoices, time sheets, expenditure, etc.).
- 6.5 Fraud and corruption detection strategies in place include:
  - 6.5.1 A clearly communicated reporting mechanism (as part of OCA's standard Associate Consultant's Agreement) for project staff to report suspected fraud or corruption to OCA's Project Manager.
  - 6.5.2 Continuous project monitoring and auditing processes by the responsible Project Manager.
- 6.5 Fraud and corruption response strategies in place include:
  - 6.5.1 In case of actual or suspected fraud and corruption, OCA shall temporarily suspend the individual from his/her duties to ensure the internal investigation shall have full access to all relevant materials and documents.
  - 6.5.2 The Board of Directors will order an internal investigation by nominating a staff member (or an external specialist if deemed necessary) who is independent of the area in which the alleged conduct occurred.
  - 6.5.3 The internal investigation shall submit a factual report to the Board of Directors detailing the circumstances and, where appropriate, recommending actions.
  - 6.5.4 The Board of Directors will review the report and deal with the matter by either dismissing the allegation, taking remedial actions using the organisation's internal disciplinary process or report the case to the relevant law enforcement authorities where criminal behaviour is suspected.
  - 6.5.5 Where cases of fraud and corruption are related to external funding, OCA shall notify the Client to ensure that there is no impact on the conditions of the funding and project implementation.
  - 6.5.6 OCA shall endeavour to recover the proceeds of fraudulent conduct where there is clear evidence of fraud or corruption and where the likely benefits of such recovery will exceed the funds and resources invested in the recovery action.

## 7. Competition

- 7.1 OCA favours quality-based selection for the contracting of its services.