GOVERNMENT NOTICE NO. 78

MALAWI INSTITUTE OF PROCUREMENT AND SUPPLY ACT, 2016

(ACT NO. 3 OF 2016)

MALAWI INSTITUTE OF PROCUREMENT AND SUPPLY REGULATIONS, 2018

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IN EXERCISE of the powers conferred by section 50 of the Malawi Institute of Procurement and Supply Act, 2016, I, GOODALL EDWARD GONDWE, Minister of Finance, Economic Planning and Development, make the following Regulations—

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Malawi Institute of Procurement and Supply Regulations, 2018.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"chairperson" means any person presiding over any meeting of the Board, the Appeals Board or any committee of the Board;

"Chief Executive Officer" means the Chief Executive Officer of the Institute appointed under section 11 of the Act;

"gross misconduct" means improper or unlawful behaviour of a member which is so serious that it causes immediate breakdown of relationship with the profession;

"incapacitation" means "temporary or permanent inability to perform the obligation under the profession due to physical or mental infirmity;

"non-performance", for the purpose of section 5(*c*) of the Act, includes failure to attend three consecutive meetings without justification by a member of any committee or failure to submit reports on time;

"outstanding contribution" means a valuable input, support or influence provided by any person to the profession which has led to the success of the profession;

"private sector" means a group of enterprises whose intention is to

earn profits for the owners through provision of goods and services and is not under the control of Government;

"profession" means procurement and supply chain management profession;

"public sector" means a Government-owned or controlled institution whose primary responsibility is to provide public goods and services;

"services sector" means a category of procurement which are not goods or works; and

"works sector" means a category of procurement dealing in activities pertaining to construction, rehabilitation, demolition, maintenance or renovation of a building or structure, including—

(*a*) site preparation, excavation, erection, building, installation of equipment or materials, decoration finishing; and

(*b*) services incidental to construction, rrehabilitation, demolition, maintenance or renovation of a building or structure such as drilling, mapping, satellite photography, seismic investigation and similar services provided pursuant to a procurement contract, if the value of those services does not exceed the value of the construction itself.

PART II—PROVISIONS RELATING TO THE INSTITUTE

Implementing the functions of the Institute

3. For the purpose of achieving the objectives and functions of the Institute as stipulated under the Act, the Institute shall—

(*a*) maintain an updated database of the registered professionals;

(*b*) ensure that high standards of behaviour are maintained in the profession in reference to the Code of Conduct of the Institute as provided in the First Schedule;

(*c*) ensure adherence of standards for accreditation of procurement and supply training institutions and providers as stipulated in the Second Schedule;

(*d*) provide general guidelines to its membership on examination of leading to the award of a certificate;

(*e*) promote research into the subjects of the profession and related matters, and the publication of books, periodicals, journals and other electronic publications;

(*f*) promote its international recognition;

(*g*) ensure that all organizations which employ the supply chain management practitioners adhere to the laws, regulations and policies relating to the profession;

(*h*) create an open and transparent environment to allow the employed practitioners to comply with the requirements of ethics, and efficiency provided for in all written laws which provide for independence of the profession and proper management of resources;

(*i*) promote the welfare of its members in the manner prescribed under the terms of reference of the Welfare Committee under the general supervision and guidance of the President;

(*j*) issue a reasonable notice published in widely circulated media for purposes of convening the conferences, seminars and meetings prescribed under the Act;

(*k*) facilitate accreditation of training institutions and providers in consultation with relevant authorities;

(*l*) vet the profession qualifications and other related qualifications; and

(*m*) ensure that all profession's training institutions and providers are affiliated to it.

Implementing the functions of the Board

4. In order to achieve the functions of the Board of Directors provided for under the Act, the Board shall—

(*a*) develop a Board Charter, including terms of reference, which shall guide the conduct of its proceedings as stipulated in the Third Schedule;

(*b*) ensure that each committee is chaired by one of its members whilst the other members shall be appointed considering the mandate of the committee as prescribed in the terms of reference;

(*c*) provide an opportunity for each member of the committee to be eligible for re-election for one further term;

(*d*) ensure that each committee has five members as the maximum number of its membership;

(*e*) ensure that any committee member engaged in misconduct is given at least fourteen days from the date of receipt of the notice for disciplinary hearing and in an event where the member is found guilty of such misconduct, to be duly communicated of the verdict, in writing, by the Chairperson of the Board;

(*f*) assess the performance of the Chief Executive Officer; and

(*g*) ensure that its members sign an oath of secrecy.

Development of structures and terms and conditions of employment

5.—(1) The Board shall, within eighteen months of coming into force of these Regulations, cause to be developed appropriate structures and terms and conditions of employment of the Institute.

(2) The Board shall review, from time to time, the structures and terms and conditions developed under subregulation (1).

PART III—REGISTRATION OF MEMBERS

Manner of application for membership

6.—(1) Subject to section 14 of the Act, an application for membership of the Institute shall be made in the manner prescribed in Form 1 indicated in the Fourth Schedule.

(2) An applicant under this regulation shall furnish the Board with up to

date certified copies of his professional and academic qualifications, including any professional references.

(3) The Board shall, upon receipt of an application for registration as a member, determine whether the applicant meets the requirements for membership specified in the Act and these Regulations.

(4) The Board shall—

(*a*) consider for approval an application under this regulation at its quarterly meetings; and

(*b*) approve the application, where the applicant meets the requirements of the Act and these Regulations; or

(*c*) reject the application, where the applicant does not meet the requirements of the Act and these Regulations.

(5) The Board shall, where it approves an application for registration, notify the applicant in writing and issue a certificate in Form 2 of the Fourth Schedule within thirty days through postal or electronic means from the date of the determination.

(6) The Board may require a member to submit requisite particulars and documentation at any time.

(7) Where the Board rejects an application, the Board shall notify the applicant of the rejection in in a manner prescribed in Form 3 of the Fourth Schedule.

(8) Subject to section 26 of the Act, where an applicant has been aggrieved by the decision of the Board to reject an application under this regulation, he may, within fourteen days of receipt of such rejection, appeal to the Appeals Board.

Full membership

7.—(1) The Board may confer full membership to any person, who is a holder of a master's degree in supply chain management, a bachelor's degree in the profession or Level 6 Chartered Institute of Procurement and Supply (CIPS) and above or an equivalent qualification with one year relevant work experience.

Affiliate membership

8.—(1) The Board may confer affiliate membership to any person, who is a holder of at least a non-procurement and supply management bachelor's degree with three years relevant work experience; or a university degree in procurement and supply chain management with less than one year relevant work experience.

(2) Upon being granted the affiliate membership under subregulation, the Board shall issue a certificate in a Form stipulated under Form 4 of the Fourth Schedule.

Procedure for obtaining a licence

9.—(1) An applicant for a licence shall—

(*a*) be a registered full member and has been practising in the field of supply chain management for at least five years;

(*b*) demonstrate good track record of professional integrity which shall be approved by the Professional Practice Committee established under section 34 of the Act.

(2) A foreign national who intends to obtain a licence and has been practising for five years shall undergo examinations administered by the Institute.

(3) Where the Institute approves an application referred to in subregulation (2), it shall grant the applicant a licence in a Form 4A of the Fourth Schedule.

Employment in senior positions

10.—(1) The Institute shall ensure that strategic positions in the profession are held by licensed members only.

(2) The Institute shall develop guidelines to govern the implementation of subregulation (1).

Attributes of an honorary member

11.—(1) For the purpose of this regulation, "honorary member" means a person with no formal qualifications in the profession but has made outstanding and proven contribution to the profession.

(2) Where the Board, pursuant to section 18 of the Act, confers honorary membership to any person, the member shall not be required to pay membership fees.

Attributes of a corporate member

12.—(1) The Board shall only register an organization as a corporate member of the Institute, pursuant to section 19 of the Act, if the organization's profession is assessed and proved to follow best practices and values subscribed by the Institute.

(2) A corporate member may—

(*a*) access services of the Institute at a reduced rate; and

(*b*) be accorded recognition at gatherings or through press releases of the Institute.

Registration of foreign nationals

13.—(1) The Board may register any person who is not a citizen of Malawi as a member of the Institute if that person—

(*a*) expresses interest through application to the Institute;

(*b*) is engaged to work as procurement and supply chain management practitioner under an international agreement entered into by the Government of the Republic of Malawi; and

(*c*) possesses the requisite qualifications in the profession.

(2) Where a person intends to be registered under this regulation, he shall, in the minimum, submit to the Institute the following information in support of the application-

(*a*) certified copies of academic and professional certificates;

(*b*) certified copy of his passport and visa, where applicable; and

(*c*) any other information as the Board may consider appropriate.

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(3) Without derogating the provisions of the Immigration Act, a foreign national shall not, without the approval of the Board, be issued with an employment or entry permit to practise or be employed as a procurement and supply chain management practitioner in Malawi.

(4) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine of K2,000,000 and to imprisonment for five years.

Change of particulars

14.—(1) A member may submit to the Institute an application prescribed in Form 5 in the Fourth Schedule for any changes to his particulars for the purpose of updating the register.

(2) Upon receipt of the application made under subregulation (1), the Institute may enter a change in name, address or any other particular identifying such person as recorded in the register, for the purpose of fulfilling the requirements under the Act and these Regulations.

(3) The Institute shall communicate to the member of any changes or alterations in the register.

Penalties for nonpayment and late payment of fees

15.—(1) The Board shall impose penalties to members for late and non-payment of annual membership subscription or renewal fees as prescribed in the Fifth Schedule.

(2) The Board shall periodically write any member who is in default of payment of subscription or renewal fees of their accrued penalties.

Disqualificati on from registration

16. Pursuant to section 24(*b*) of the Act, "prescribed qualification of membership" shall include the need not to be—

(*a*) incapacitated;

(*b*) found guilty of professional misconduct; and

(*c*) under any other condition as the Institute shall determine.

Deregistration of a member

17.—(1) The Board shall deregister any person who has ceased to be a member of the Institute.

(2) The Institute shall communicate to the member and any relevant stakeholders of the deregistration.

(3) Any member who is deregistered shall return the practising licence and the membership certificate within fourteen days of the day of deregistration.

(4) Upon deregistration, a member shall not be permitted to practice in the profession.

(5) Any member who contravenes subregulation (4) commits an offence and shall upon conviction be liable to a fine of K1,000,000.00 and imprisonment for twelvemonths.

(6) An organization which knowingly employs or retains in employment a deregistered member commits an offence and shall be liable to a fine of K2,000,000.00.

PART IV—DISCIPLINARY PROVISIONS

Lodging a complaint

18.—(1) Any person directly affected by the conduct of the member of the Institute which is fraudulent or constitutes improper conduct under the Act may file a complaint to the Institute against such a member.

(2) A complaint shall, at a minimum, contain the following information—

(*a*) particulars of complainant;

(*b*) contact details of complainant;

(*c*) name of the procurement and supply professional complained against;

(*d*) details of the conduct which is the subject of the complaint; and

(*e*) copies of any relevant documents.

(3) The Institute shall cause to be served the notice of the complaint under this regulation to the affected member which notice shall include the particulars of the offence or misconduct and require the affected member to show cause, in writing, why a hearing should not be conducted.

(4) Upon receipt of the response in subregulation (3), the Institute shall review the matter based on documentation provided and make a determination and communicate to the parties, including the Disciplinary Committee, where necessary.

Disciplinary procedures

19.—(1) Once a complaint against a member of the Institute has been filed, the Disciplinary Committee may summon and examine the person who lodged the complaint.

(2) The Institute shall at all times ensure that priority is given for the respondent to be subjected to an oral hearing.

(3) Where a complaint has emanated from a whistleblower, the Institute shall, at all times, ensure that the rights of the whistleblower are protected.

(4) Any member of the Disciplinary Committee who has an interest in the matter under consideration by the Committee shall recuse himself from the case to avoid conflict of interest.

(5) Within fourteen days of receipt of a complaint, the Disciplinary Committee shall—

(*a*) write the concerned party a letter outlining the complaint and the professional concerns and inviting the member to a hearing; and

(*b*) ensure that the complainant shall be served with a copy to the letter referred to under paragraph (*a*).

(6) During the hearing, a respondent shall have a right to file a written or oral defence and bring witnesses.

Other members of the Disciplinary Committee

20.—(1) The three members of the Disciplinary Committee of the Board, nominated pursuant to section 27(*c*) of the Act, shall be elected by the members of the Institute at an annual general meeting.

(2) The election of the members under this regulation shall be by secret ballot.

Grounds for disciplinary action

21. A member may be subjected to disciplinary action where—

(*a*) there is alleged professional misconduct against the member;

(*b*) there is alleged professional negligence against the member;

(*c*) the member has been convicted by court of law of an offence involving dishonesty;

(*d*) the member is engaged in unprofessional conduct of a nature likely to deceive, defraud, or harm the public interest; and

(*e*) the member is engaged in any other improper or disgraceful conduct as prohibited under the Act, these Regulations or the Code of Ethics of the Institute.

Dismissal of complaint

22. The Disciplinary Committee may dismiss a complaint in the following circumstances—

(*a*) where it is frivolous and vexatious;

(*b*) where a complaint can be resolved using other alternative means;

(*c*) where the complaint is mischievous, malicious or not made in good faith;

(*d*) where the investigation does not reveal serious conduct enough to warrant further action;

(*e*) where the complainant has not provided sufficient evidence of the claims being made; or

(*f*) where the complaint lodging has been delayed inordinately without justification.

Roles of various players in relation to discipline

23.—(1) The roles to be played by various stakeholders in relation to discipline under this Part shall be as stipulated in this regulation.

(2) The Institute shall—

(*a*) proactively gather information on alleged misconduct of a member of the Institute;

(*b*) review the gathered information and make a determination on whether to proceed with disciplinary action or not;

(*c*) report to the Disciplinary Committee of the alleged misconduct should *prima facie* evidence be sufficient to warrant a disciplinary action;

(*d*) invite all the relevant stakeholders for the hearing;

(*e*) act as secretariat to any hearing;

(*f*) keep gathered information confidentially; and

(*g*) communicate to the concerned parties the outcome of the hearing within fourteen days from the date of the decision.

(3) An employer shall—

(*a*) report to the Institute any professional misconduct pertaining to a member of the Institute;

(*b*) furnish all relevant information pertaining to an alleged misconduct; and

(*c*) provide evidence on alleged misconduct by a member.

(4) An employee shall—

(*a*) give his side of the story on alleged misconduct including bringing witnesses; and

(*b*) appear in person at a disciplinary hearing.

(5) Any person not satisfied with the outcome of the disciplinary hearing may within fourteen days of receipt of decision by the committee, apply to the High Court for judicial review.

PART V—PROCEDURES BEFORE THE COMMITTEES OF THE BOARD

General provisions on conduct of committee business

24.—(1) All committees of the Board shall be presided over by a member of the Board and shall be designated so by the Chairperson of the Board.

(2) The chairperson of each committee of the Board shall call for meetings of the relevant committees after liaising with the Secretariat.

(3) Agenda items for each committee meeting shall be compiled by the Institute and circulated to all members no later than seven days before the date of the meeting.

(4) At the beginning of each meeting, the chairperson shall ascertain whether or not a quorum has been formed before calling the meeting to order.

(5) Failure to form a quorum shall lead to cancellation of the meeting by the chairperson.

(6) Any meeting so cancelled by any committee of the Board shall be reconvened within thirty days from the date of such cancellation.

Education and Qualifications Committee

25.—(1) Subject to section 32(1) of the Act, the representatives of the Malawi National Examination Board and the Ministry of Education in the Education and Qualifications Committee shall be experts in the education or examinations field such as curriculum development, assessment, training and methodology, among others.

(2) The Education and Qualifications Committee shall set standards for accreditation of training institutions and providers.

(3) Training institutions and providers shall apply to the Board for them to be accredited to offer procurement training.

(4) The Board shall examine any application, including the physical location of the applicant and the relevance of the training programme before making its determination on the application.

(5) All training institutions and providers shall comply with the set standards for them to be registered.

(6) Failure to meet the minimum standards shall cause an application for registration to be rejected.

(7) Registered training institutions shall be de-registered once determined to have lowered the standards below the minimum requirements.

(8) A training institution or provider that has been de-registered by the Board may re-apply for re-registration once it rectifies the factors that led to its de-registration.

(9) The laid down procedures shall be followed in re-examining such applications.

(10) For avoidance of doubt, a training institution or provider which was accredited or recognized by the National Council for Higher Education before coming into force of these Regulations shall be recognized as an accredited institution under these Regulations.

Additional functions of the Education and Qualifications Committee

26. Pursuant to section 33(*c*) of the Act, the Education and Qualifications Committee shall—

(*a*) have powers to review and approve all training programmes aimed at preparing students for the profession;

(*b*) ensure that a training institution or provider which intends to offer training in the profession has applied to the Board for approval of the intended training programme in the prescribed manner and form upon payment of a prescribed fee;

(*c*) after review of a proposed training programme and in consultation with the relevant authorities, approve the training programme if—

(i) the training programme meets the requirements of these Regulations; and

(ii) the training programme shall adequately prepare students for the profession;

(*d*) maintain standards and quality control by, among other means—

(i) making rules to provide for the educational and training curricula, the training equipment and staffing levels;

(ii) guaranteeing that quality standards such as admission criteria are met to facilitate international recognition;

(iii) ensuring that training in profession meets required standards and guidelines, thereby resulting in uniformity of the training offered;

(iv) in liaison with relevant authorities, ensuring that institutions that fail to achieve the minimum set standards are suspended from offering the training programme; and

(*v*) ensuring that evaluation and validation of credentials reduce discrepancies between the local and internationally recognized professional qualifications; and

(*e*) make rules to provide for continuing professional development and training to be undertaken by procurement and supply chain management professionals.

Additional functions of the Professional Practice Committee

27. Pursuant to section 35 (d) of the Act, the Professional Practice Committee shall—

(*a*) establish a Code of Conduct for all practitioners as stipulated in the First Schedule;

(*b*) ensure that every member practising in the profession has read and signed a declaration that the member shall comply with the Code of Conduct;

(*c*) report to the Disciplinary Committee any violation of the Code of Conduct.

PART VI—FINANCIAL PROVISION

Financial estimates

28. The Institute—

(*a*) shall prepare and submit its annual estimates of revenue and expenditure to the Board for approval by end October annually in such form as the Board shall, from time to time, prescribe; and

(*b*) may incur expenditure in accordance with estimates approved by the Board, and any approved expenditure under any head of the estimates may not be exceeded without the approval of the Board.

PART VII—MEETINGS OF THE INSTITUTE

Annual general meeting

29.—(1) Pursuant to section 43(1) of the Act, the annual general meeting of the Institute shall be held by the end of the tenth month after close of the financial year.

(2) The Board shall give every member entitled to attend an annual general meeting of the Institute a notice of twenty one days for the meeting.

(3) The agenda for the annual general meeting and other relevant documents shall be circulated to all members entitled to attend the meeting twenty one days before the meeting.

(4) The annual general meeting of the Institute shall be presided over by the President or in his absence his appointed representative under regulation 30.

(5) The annual general meeting shall be attended by only full and paid-up members who are eligible to vote.

(6) Voting at an annual general meeting shall be by secret ballot.

(7) Decisions at an annual general meeting shall be by simple majority.

(8) At the annual general meeting of the Institute, each member present shall have one vote on a question on the floor and, in the event of equality of votes, the Chairperson shall have, in addition to a deliberative vote, a casting vote.

(9) There shall be constituted a Nominations and Elections Committee of the Board which shall manage the voting process at the annual general meeting.

(10) The Chairperson of the meeting shall have powers to adjourn the meeting.

(11) The Secretariat shall circulate minutes of the annual general meeting to all members not later than twenty-one days after the date of the meeting.

The President of the Institute

30.—(1) The President of the Institute, elected pursuant to section 43 (2) of the Act, shall be the mouthpiece of the general membership of the Institute on matters relating to the profession.

(2) The President shall be invited to meetings of the Board whenever matters pertaining to the general membership are to be discussed.

(3) The President shall operate through the Secretariat of the Institute on such terms and conditions as the Board shall determine.

(4) In addition to the President, there shall be elected, at the annual general meeting, three regional representatives of the Institute.

(5)The President shall propose the committees to be constituted by the Institute pursuant to section 43(2) of the Act.

(6) Amongst the committees to be proposed under subregulation (4) shall be the Welfare Committee.

Business at an extra ordinary general meeting

31. In case of an extra ordinary meeting, convened pursuant to section 43 (3) of the Act, only items on the agenda shall be considered.

PART VIII—MISCELLANEOUS

Existing members

32. Existing members of the Institute shall provide updated documents including certified copies of certificates and passport size photographs in such a manner as the Board shall determine.

Procurement professionalism

33.—(1) Procurement proceedings shall be conducted in compliance with the laws, policies, and principles of the organization aimed at achieving and promoting professional integrity:

Provided that in cases where a member is unduly influenced to act contrary to subregulation (1), he shall inform the organization's management in writing about such impending violation.

(2) Notwithstanding the provisions of these Regulations, a member may recuse himself if management insists that the procurement proceedings still be carried out contrary to subregulation (1).

Whistleblowing

34.—(1) For the purpose of these Regulations, a "whistleblower" is a person who exposes any kind of information or activity that is deemed illegal, unethical, or not correct within an organization that is either private or public.

(2) A whistleblower may use one or combination of the following modes—

(*a*) a phone call;

(*b*) a letter;

(*c*) an e-mail;

(*d*) a text message; or

(*e*) any other means in person or anonymously.

(3) Information relating to a whistle-blower or to any other informer who has provided information to the Institute pursuant to subregulation (1), as to an offence under the Act, any other relevant written law or these Regulations shall be admitted in evidence in any civil or criminal proceeding, and no witness shall be obliged or permitted to disclose the name or address of such whistle-blower or other informer, or state any matter which might lead to his discovery.

(4) Where any book, document or paper which is in evidence or liable to inspection in any civil or criminal proceeding contain any entry in which the whistle-blower or other informer is named or described or which might lead to his discovery, the court before which the proceeding is heard shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the whistle-blower or other informer from discovery, but no further.

(5) Any person who, having knowledge that any person referred to in this section as a whistle-blower or an informer, has informed the Institute of an alleged or a suspected corrupt practice, or other offence connected therewith, takes, by himself or through another person, an action of any kind to punish or victimize such whistle-blower or informer in any way commits an offence and shall, upon conviction, be liable to a fine of K2,000,000 and to imprisonment for five years.

(6) Where, on a trial for any offence under the Act, any other relevant written law or these Regulations, the court, after full inquiry into the case, is of the opinion that the whistle-blower or other informer willfully provided information which he knew or believed to be false, or did not believe to be true, in material particular, or if in any other proceeding the court is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the whistle-blower or other informer, the court may permit inquiry and require full disclosure concerning the whistle-blower or other informer, and, if the information was provided in writing, require the production of the original thereof.

FIRST SCHEDULE (regs. 3 and 27)

MALAWI INSTITUTE OF PROCUREMENT AND SUPPLY (MIPS)

CODE OF CONDUCT FOR PROCUREMENT PROFESSIONALS IN MALAWI

DEFINITION OF TERMS

In this Code of Conduct, unless the context otherwise requires, the following terms have the meanings given hereunder:

Appeal Request, usually by a party losing a case, to reverse or modify the decision. In some cases, a complainant may appeal for an award of a larger sum in damages.

Bidder Has the meaning given under the Public Procurement and Disposal of Public Assets Act, 2016.

Bribery Has the meaning given to it under the Corrupt Practices Act.

Code of Conduct	Principles, values, standards, or rules of behaviour that guide the decisions, procedures and systems of an organisation in a way that contributes to the welfare of its key stakeholders.
Collusion	Has the meaning given to it under the Corrupt Practices Act.
Contractor	A natural or juristic person or partnership who contracts with an employer to perform a contract.
Corruption	Has the meaning given to it under the Corrupt Practices Act.
Employee	Has the meaning given to it under the Employment Act.
Employer	Has the meaning given to it under the Employment Act.
Ethics	Moral principles that control or influence a person's behaviour.
Extortion	Has the meaning given to it under the Corrupt Practices Act.
Fair	Being unbiased, impartial and even-handed.
Fraud	Has the meaning given to it under the Corrupt Practices Act.
Industry association	Organisation representing the professional, trade or commercial interests of its members in an industry.
Party	Client, bidder or service provider. An entity's role in a procurement will determine whether it is a client, bidder or service provider for that procurement.
Procurement	Has the meaning given under the Public Procurement and Disposal of Public Assets Act, 2016.
Professional standards	Working on the basis of professional skills and qualifications.
Sanction	A penalty or punitive action imposed for failure to comply with an agreed code of conduct, law or regulation.
Tender	An offer to provide goods, works or services submitted by a tenderer in response to an invitation from a procuring and disposing entity and includes a bid, proposal, quotation and, where applicable, and an application to pre-qualify.
Unethical practice	Conduct that violates any of the principles in section 3 of this Code of Conduct.
Value for money	The benefits derived from every purchase or every sum of money spent.

PREAMBLE

INTRODUCTION

Ethics is defined as the moral principles governing or influencing conduct. The *Concise Oxford Dictionary of Current English* defines ethics as the branch of knowledge concerned with moral principles.

Most procurement principles such as fairness, integrity and transparency are based on ethics. Standards of ethical conduct typically contain commitments to—

(*a*) behave honourably in all aspects of work and professional activity and avoid conflicts of interest;

(*b*) show personal conduct that maintains trust and confidence in the integrity of the procurement process;

(*c*) refrain from taking undue advantage of others or the system; and

(*d*) uphold the organisation's standards and policies and all relevant legislation.

Qualities of a Procurement Professional

An important attribute of a procurement professional is his passion to operate as a faithful steward. The Concise Oxford dictionary of Current English defines a steward as "a person employed to manage another's property." As a steward, the procurement professional is entrusted with effective spending of organisation's resources on relevant or meaningful procurement. The professional must spend procurement money only in the way that it is meant to be spent and must not deviate from procedures to suit their own convenience.

A professional must adhere to the ethical standards and responsibilities that apply to procurement activities in order to protect the integrity, fairness and transparency of the procurement process. Procurement activities must be carried out in a manner above reproach.

Responsibilities of Stakeholders in Procurement Process

Bidders, contractors and procuring entities are expected to approach each procurement process in an honest, fair and comprehensive manner, accurately reflecting their capacity to satisfy the requirements stipulated in the procurement process.

To help ensure that the entire procurement process conforms to the highest standards of ethical conduct, these stakeholders should avoid any action that would jeopardise the procurement professionals' ability to respect their obligations under this Code of Conduct.

Structure of the Code of Conduct

This Code of Conduct contains two parts. Part A establishes the fundamental principles of professional ethics for procurement professionals. Part B addresses how breach of this Code of Conduct will be handled.

PART A: FUNDAMENTAL PRINCIPLES OF PROCUREMENT

Basic Principles

A procurement professional shall use professional judgement in applying this conceptual framework. The purpose of this Code of Conduct is to promote mutual trust and respect, and create an environment where business can be conducted with integrity and in a fair and transparent manner.

Ethical concepts and principles

Ethical concepts and principles that relate to the procurement process include—

(*a*) integrity;

(*b*) fairness;

(*c*) confidentiality;

(*d*) transparency;

(*e*) professional competence and due care;

(*f*) avoidance of conflict of interest;

(*g*) gifts and hospitality; and

(*h*) accountability.

DESCRIPTION OF THE FUNDAMENTAL PRINCIPLES

Each of these fundamental principles is discussed below:

INTEGRITY

Integrity is strict adherence to a moral code, reflected in transparency and honesty. It also means being straightforward and honest in all professional and business relationships.

People in procurement positions are expected to maintain high standards of integrity and moral values. Integrity covers such qualities as honesty, truthfulness, fidelity and freedom from corrupting influences. Procurement personnel must subordinate their private interests and avoid placing themselves in positions where those interests would conflict with the interests of the organisations they serve.

Integrity emphasises that people in procurement must believe that trust of the public is so important that it cannot be compromised. It will be demonstrated by—

(*a*) upholding the values including impartiality, fairness, honesty, and truthfulness, in daily activities and behaviours;

(*b*) acting without consideration of personal gain;

(*c*) resisting undue political pressure in decision making;

(*d*) not abusing power or authority;

(*e*) taking prompt action in cases of unprofessional or unethical behaviour; and

(*f*) avoiding all forms of corruption that may occur at any stage in the acquisition process (budget, procurement, contract management, etc.).

IMPARTIALITY AND FAIRNESS

Fairness and impartiality implies giving equal opportunities to all suppliers– such as giving as much advantage, consideration, or latitude to one party as it is given to another.

Impartiality and fairness require the procurement professional to operate with objectivity and lack of bias. This implies treating organisation's business partners with professional, business-like courtesy, as well as with strict adherence to the policies and procedures for conducting the transaction.

In this context, the procurement professional should—

(*a*) set aside all personal and organisational biases; and

(*b*) apply the same standards of evaluation to all the suppliers. For example, if one supplier requests additional information, all suppliers should receive that

information at the same time; the reason for disqualifying one supplier must be applied to all suppliers uniformly.

CONFIDENTIALITY

Confidentiality means the entrustment of proprietary information from one party to another for that party's exclusive use so as not to impart the obtained knowledge to others.

Due to the delicate nature of information handled in the procurement process, confidentiality deserves extra consideration. A breach of this principle could damage the image of an organisations. The disclosure of information may jeopardise the efficiency and credibility of an organisation.

Confidentially means that, while the way the overall procurement process is conducted needs to be clear and transparent, truly proprietary data needs to remain confidential. This means that all procurement professionals will need to take an oath of secrecy before taking office.

TRANSPARENCY

Transparency refers to lack of hidden agendas and conditions accompanied by the availability of full information required for collaboration, cooperation, and collective decision making. It also refers to level of disclosure at which agreements, dealings, practices, and transactions are open to all for verification.

Transparency is of paramount importance in procurement because of the need for accountability of the huge sums of funds that go into it. Therefore, all transactions should be subject to scrutiny. People in procurement must always conduct themselves in such a way that any scrutiny would not reveal shady transactions, which may damage the image of their organisations.

People in procurement must comply with the standards of their own organisations, and must be open to examination by external parties such as the press, external auditors, or other outside observers.

However, when information is truly confidential, such as proprietary data belonging to a supplier, confidentiality should override the need to be transparent.

PERSONAL COMPETENCE AND DUE CARE

Professional competence and due care means maintaining professional knowledge and skills at the level required to ensure that a client or employer receives competent professional services based on current developments in practice.

Procurement professionals must keep themselves abreast with developing practices in their profession. They must also carry out duties carefully and thoroughly and avoid careless practices or techniques. This requires that all procurement activities should be pursued in a manner that goes beyond the minimum effort.

Due care means that the procurement professional should—

(*a*) check the references of potential suppliers and monitor existing suppliers adequately;

(*b*) develop impartial evaluation criteria;

(*c*) carefully analyse all offers received; and

(*d*) avoid cutting corners for the sake of convenience.

Personal competence and due care also demand that procurement professionals should be loyal both to their profession and organisation. They should, therefore—

(*a*) stand by decisions that are in the interest of the organisation even if such decisions are unpopular;

(*b*) understand the rules and regulations pertaining to his or her profession and organisation;

(*c*) respect the need for the formality of rules and regulations, and interpret and apply such rules and regulations in accordance with their intent; and

(*d*) be able to perform procurement responsibilities effectively and efficiently, and still abide by the pertinent rules.

If a rule or regulation must be reconsidered or changed, the procurement officer should pursue the appropriate process to submit the recommended revision through established channels and include complete documentation to explain and justify the proposed change. During this process, the existing regulations, rules and procedures must be followed.

Conflict of Interest

Conflict of interest is a situation in which a party's responsibility to a second-party limits its ability to discharge its responsibility to a third-party. Such a situation might undermine the impartiality of a person.

Conflict of interest is a very common risk in procurement. Conflict of interest is defined as a direct clash between the interest of an organisation and the private or personal interest of an individual in procurement.

The need to avoid conflict of interest demands that a procurement officer should not use his or her office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party.

In the context of procurement, the procurement practitioner should—

(*a*) declare with immediate effect any potential conflict of interest;

(*b*) not to use information obtained for professional reasons for personal profit;

(*c*) disclose and dispose the financial interest involved;

(*d*) not to participate in any conflicting procurement process; and

(*e*) excuse or withdraw from any procurement process where the person may have a conflicting interest.

Gifts and Hospitality

A Procurement professional should not be placed in a position where his or her actions may constitute or could be reasonably perceived as reflecting favourable treatment to an individual or entity by accepting gifts and hospitality or other similar considerations. He or she may not accept any gift from any outside source that is soliciting business with his or her organisation regardless of the value. A Procurement professional shall decline offers of gifts, including drinks, meals, tickets, hospitality, transportation, or any other form of benefits.

While the practice of offering gifts to customers is very common in business, it needs to be appreciated that it is based on the universal sense that if a person receives something, they will feel obliged to give something in exchange.

The procurement professional should—

(*a*) be able to identify covert gifts;

(*b*) not accept any gift from suppliers or other sources, but report them to designated authorities;

(*c*) be aware of the reasons for not accepting such benefits; and

(*d*) be aware of the impact on the organisation of accepting such benefits.

ACCOUNTABILITY

Accountability means being responsible for one's actions and decisions, and having the obligation to report and answer to a designated oversight entity and the public on the consequences of those actions and decisions.

Procurement professionals must maintain for each procurement process a level of documentation commensurate with the scale, scope and risk of the procurement. Documentation should provide accurate and concise information on—

(*a*) the requirement for the procurement;

(*b*) the process that was followed;

(*c*) how value for money was considered and achieved;

(*d*) relevant approvals; and

(*e*) relevant decisions and the basis of those decisions.

AVOIDANCE OF THE APPEARANCE OF IMPROPRIETY

Procurement professionals must adhere to very conservative standards. They must be constantly aware of how their actions appear to outside observers. Procurement professionals should always behave in such a way that observers could not misconstrue their actions as improper.

What people think of the Procurement professional's behaviour can be the basis of scandals based on misunderstandings and erroneous information. Such scandals can negatively affect the effectiveness of an organisation to achieve its mission.

Since different societies have different standards of what is proper and what is not, it is important to recognise cultural differences in appearances and to anticipate in the most conservative terms what might be perceived as improper conduct.

PART B: BREACH OF THE CODE

INTRODUCTION

The Malawi Institute of Procurement and Supply Act, 2016 (the "Act" hereinafter)makes provision for the enforcement of this code of conduct. Any breach of this Code shall be punishable by the Institute.

Breaches of this Code shall be reported to the Chief Executive Officer of the Institute who shall present the complaint to the Disciplinary Committee of the Institute appointed under Sections 27 and 28 of the MIPS Act.

To this end, the Institute may, through the Disciplinary Committee, convene and conduct an enquiry into any breach of the code and to subpoena any person to appear in person at or produce documents relating to an enquiry.

While this enquiry is being conducted, the Institute may suspend the concerned member from its membership to pave way for smooth investigations.

Purpose of Sanctions

Sanctioning individuals and organisations for unethical conduct has four major goals—

(*a*) to penalise the person in violation: When an individual violates the Code of Conduct, there must be consequences associated with that misconduct. Depending on how serious the misconduct is, the Institute has a range of sanctions that it can impose, from less to more punitive depending on the violation and the totality of the facts (see section 4.3below);

(*b*) to serve as a mechanism to educate and rehabilitate: It is important to provide feedback to individuals who violate the Code of Conduct so that they understand and appreciate exactly how their past conduct was inappropriate, so that it will be less likely to occur again in the future. These measures serve a rehabilitation function;

(*c*) to protect the public: The welfare of the consumer and the reputation and integrity of the profession must be protected; and

(*e*) to inform other members of the Institute that the Institute enforces its ethical standards: The Institute publishes the majority of its sanctions to serve as a means of informing the members of their ongoing ethical responsibilities and to alert them that there are penalties for engaging in unprofessional conduct.

Types of Sanctions

The Institute may, as appropriate, sanction those who breach the code of conduct through the following—

(*a*) reprimand: the sanction of reprimand is confidential and imposed in cases where the unethical conduct is of a minor nature. A reprimand is disclosed only to the person found in violation and to the complainant who originally filed the complaint. Any further unauthorised disclosure of the sanction of reprimand is, itself, a violation of this Code of Conduct;

(*b*) suspension: the Institute may impose the sanction of suspension of membership. The sanction is usually intended to be employed for short periods of time (e.g., six(6) months);

(*c*) revocation: for serious cases of misconduct, the Institute may revoke or cancel an individual's membership and certification for a period of years or up to life. After the period of revocation has expired, in order for the individual to seek reinstatement of membership and/or certification, a petition must be made to the Institute. In petitioning for reinstatement, the individual has the burden of demonstrating that conditions that led to the revocation have been rectified and that, upon reinstatement, the individual

will abide by the Code of Conduct; and

(*d*) fine: as provided for in sections 46 and 47 of the MIPS Act, the sanction of fine may be imposed on entities which fail to meet the requirements of this Code of Conduct.

Corrective Action

A party facing sanctions is required to provide a statement to the effect that action has been undertaken to correct the action that caused the sanction.

Any corrective action required must be completed within thirty (30) calendar days of the receipt of the decision(s) and the reasons for the decision(s) of the relevant Committee meeting by the concerned party (subject to any appeal that may be lodged).

Where corrective action has not been actioned within thirty (30) calendar days from receipt of the decision(s) and the reasons for the decision(s) of relevant Committee meeting, the Committee may impose a fine for that breach of the order to take the corrective action.

Monetary Fines

The Institute may impose a monetary fine in accordance with its schedule of fines.

The monetary fine must be paid within thirty (30) calendar days from receipt of the decision(s) and the reasons for the decision(s) subject to any appeal that may be lodged under section 4.6 of the Code.

Where a monetary fine has not been paid within the required thirty (30) calendar days from receipt of the decision(s) and the reasons for the decision(s), a further fine may be imposed for that breach of not paying the fine within the required period.

Appeals

An appeal is a rehearing of the original complaint. The Appeals Committee has the power to affirm, set aside or vary the findings and/or any sanction which has been imposed. The Appeals Committee shall not uphold an appeal unless it is persuaded that the sanction imposed involved an error on the basis of which they should be set aside or varied.

A party that has been found in breach of the Code and had a sanction imposed on them may lodge an appeal against the findings and/or sanction that has been imposed. Notice of an appeal must be made in writing by the appellant within five (5) working days of receiving the decision(s) and the reasons for the decision(s).

Procurement Code of Conduct

Statement

By signing this statement I declare that I acknowledge and agree to abide by this Code of Conduct for Procurement Professionals.

(Signature)

(Print name)

(insert date)

The original signed statement should be placed in the employee's personnel file and a copy should be provided to the employee.

SECOND SCHEDULE (reg. 3(c))

STANDARDS FOR ACCREDITATION OF PROCUREMENT AND SUPPLY TRAINING INSTITUTIONS AND PROVIDERS

1.0 INTRODUCTION

This document sets out the standards and process for accrediting procurement and supply institutions in Malawi. All such institutions are expected to use the standards framework as a guide when developing their training structures and programmes. The broader aim of accreditation is to ensure that institutions involved in the training of procurement and supply management workforce achieve effectiveness with a sense of accountability to the general public. The process of accreditation is a measure of quality that depends on trust, integrity and ethical judgement of its stakeholders on the observance of the set standards.

1.1 The Purpose of Accrediting Training Institutions

The purpose of the accreditation process is to collect valid and authentic evidence that matches the specified standards to ensure quality service and professionalism is upheld. It provides checks and balances to performance in a democratic environment that encourages wide participation in procurement and supply management training. Secondly, the accreditation of institutions is intended to build confidence and integrity amongst professional bodies, students, employers for better governance and quality output to match with the needs of the work place. Furthermore, it is a monitoring tool and performance audit tool designed to check compliance with the set policies and conformity to standards by institutions involved in training procurement and supply human resource.

The standards expected of providers of procurement and supply training are set out in Appendix 1.

1.2 Scope of the Standards

The process of and procedure for recognising training institutions for purposes of quality assurance and improvement consist of physical and academic parts of assessment. The accrediting process requires that institutions do self-evaluation of their mission and purpose; the academic programmes and the facilities; staff quality and adequacy; availability of financial resources to manage their own goals, operations and achievements. This is followed by a visit of evaluators to assess the physical facilities and the curriculum. The evaluation team then produces a report inclusive of suggestions and recommendations to the accreditation body.

1.3 Basis for the Standards

The accreditation standards are based on both Chartered Institute of Procurement and Supply (CIPS) and the National Council for Higher Education (the "Council"). The academic component of the standards is based on CIPS, as they are internationally accepted, while the infrastructure component is based on guidelines provided by the Council, which is mandated to regulate higher education in Malawi.

2.0 BACKGROUND

As part of the procurement reforms, a capacity building programme of procurement entities was initiated by the Office of Director of Public Procurement (ODPP) at institutions of higher learning, namely, the Polytechnic of the University of Malawi (UNIMA) and Malawi Institute of Management (MIM). Since then, there has been a proliferation of private institutions providing training in procurement and supply chain management. However, this training has not been within the framework of a national accreditation and standards framework for procurement and supply.

In recognition of the largely unregulated nature of procurement and supply chain management training, Government through the ODDP established the Malawi Institute of Procurement and Supply (the Institute) under an Act of Parliament to take responsibility for regulating training institutions and providers. The Malawi Institute of Procurement and Supply Act of 2016 (the "

"Act") (Part II section 4(*b*) and (*c*) provides for setting standards in collaboration with educational and professional institutions.

3.0 OBJECTIVES

The objectives of these standards are to ensure that all training institutions and providers meet the minimum academic and physical standards as stipulated by the Council and the Institute. This will also ensure that the students learn in sound environments with acceptable surroundings, and that the output from these institutions is of comparably creditable quality. These standards shall apply to all institutional programmes and services regardless of their location. The standards will further still serve as a yardstick for ensuring that competence, knowledge and achievements are recognised and rewarded through qualifications.

Specifically, the standards for training institutions are established to achieve the following—

(*a*) to assure students and the public quality services;

(*b*) to uphold professional standards at training institutions;

(*c*) to provide checks and balances to quality performance in a democratic environment that encourages wide participation in procurement and supply management training;

(*d*) to build confidence and integrity amongst the professional bodies, students, employers for better governance to yield quality output to match the needs of the work place;

(*e*) to guarantee that quality standards such as admission are met to facilitate international recognition;

(*f*) to ensure that quality assurance arrangements are more independent, absolute and benchmarked in recruitment and promotion procedures;

(*g*) to reduce the problem of makeshift training institutions;

(*h*) to ensure that regulations on student mobility, credit transfer and accumulation in cross-border delivery, strengthen capacity and quality assurance of the accredited training institutions and their programmes;

(*i*) to ensure that qualified resources are maintained to run higher education or professional courses;

(*j*) to ensure that evaluation and validation of credentials reduce discrepancies between the local and internationally recognised qualifications;

(*k*) to ensure that institutions offering procurement and supply chain management training carry out their operations with integrity and transparency;

(*l*) to close institutions that fail to meet the set minimum standards; and

(*m*) to ensure that training in procurement and supply management meets required standards and guidelines, thereby resulting in uniformity of the training offered.

4.0 Guiding Principles

The principles guiding accreditation of procurement and supply training are as follows—

(*a*) standards set out herein shall apply to all procurement and supply management training institutions;

(*b*) institutions of procurement and supply management training will only render such services when they are duly registered;

(*c*) only accredited procurement and supply programmes shall be offered;

(*d*) procurement and supply management training institutions will be regularly monitored to ensure conformity to standards set herein;

(*e*) training institutions in procurement and supply management will be required to maintain up to date records on activities related to their training; and

(*f*) procurement and supply management training institutions will not be allowed to vary their training programmes without permission of the Institute.

5.0 PROCESS OF IMPLEMENTING THE STANDARDS

The Institute is empowered to promote, uphold and improve training and professional standards of training Procurement and Supply Chain Management. In doing so, the Institute shall require that each institution requiring to provide procurement training in Malawi should apply for accreditation to the Institute using the prescribed form.

Upon receipt of the form, the Institute shall dispatch a team of inspectors that shall include a member from the Council to assess whether or not the institution meets the standards that have been set by the Council (in respect of physical infrastructure and other facilities) and the Institute (in respect of training programmes).

The process will require an individual or a training institution to do the following—

Step One: Application for Accreditation: - Submit an application in writing to the National Council of Higher Education (with a copy to the Institute) or apply using the prescribed

form provided by the Council/the Institute for accreditation purposes and the grant of charter. The application form/letter should include the draft charter; governance structure of the institution and systems; a list and qualifications of staff; financial status; development statutes of the core courses offered; infrastructure following guidelines established by the Council/the Institute; and a receipt for the payment of standing fees.

Foreign institutions seeking accreditation will also apply to the commission for accreditation in accordance with the provisions of the Act. One of the conditions for a foreign institution to be accredited is proof of accreditation in its country of origin.

Step Two: Assessment of Applicant: - the Institute will upon receipt of the application and after verifying that it is in order, send a team of inspectors (who should include members from the Council) to inspect the premises, assess the resources of the applicant (using Form 1 in the Appendix II). Assessment of basic requirements and minimum standards for training institutions shall be done in two parts; Part 1 will involve assessment of the physical infrastructure while Part 2 will deal with the assessment of the curriculum and its management.

Once the applicant is deemed to meet set requirements, a recommendation will be made by the inspection team to the relevant Committee of the Board of the Institute for review, which, if satisfied, will make appropriate recommendations to the Board of the Institute for approval. Once the application has been approved, a letter as an interim authority or permission will be written to the institution to start working on its implementation process with a provision in the letter indicating that consent is for a period of four years. A review of the institution is made after every four-years or completion of the academic cycle.

Where the inspectors find the institution not to have met set standards, appropriate recommendations will be made by the Institute in accordance with their findings. The institution concerned will be informed accordingly.

Step Three: Issuance of Certificate: Upon satisfying regulatory requirements, applicants for accreditation will be issued with certificates. Accredited institutions shall be required to display their certificate/license as evidence of their accreditation and purpose. An institution that is a constituent college of a university continues to be as such until at such a time when formally accredited in its own right. Private higher education institutions, including foreign universities, have to comply with the established procedures.

From time to time, the Institute will publish the list of accredited institutions that show the following information: name of the institution, location, type of qualification, licence and registration number to ensure creditability of these institutions.

6.0 INSTITUTIONAL ARRANGEMENTS

The Institute, as a regulatory body, has legal mandate to manage and enforce the procurement and supply chain professional standards. In this regard, The Board and two of its professional committees which are the Education and Qualifications Committee according to section 32 and the Professional Practice Committee according to section 34 of the Act, will oversee the accreditation process, while management under the Chief Executive Officer of the Institute will support the Board through provision of technical services in relation to the mandate of the Institute.

Procurement and Supply Chain management as a discipline consists of many stakeholders such as: the Council, educational institutions, professional institutions, government departments, employers and international professional bodies which, according to the Act,

have to ensure that the objectives for setting the standards are met.

The roles of selected stakeholders are elaborated in Part II (4.0) of this document.

7.0 MONITORING AND EVALUATION

All programmes of this nature need to be properly monitored in order to establish if they are meeting the goals and objectives for which they were set up. For effective accreditation as an audit procedural process, it is important that all stakeholders be aware of the Act. The Institute needs to establish and maintain good relationships with its stakeholders to effectively monitor the performance of training institutions and the professional qualifications they award. The regulatory body should be seen to be fair by being evidence based in its reporting. This means that the Institute should be provided with adequate resources for it to evenly reach out to all institutions for the credibility of the findings and the punitive measures associated with non-conformity to the standards.

This monitoring and evaluation shall be done at such intervals as shall be determined appropriate by the Chief Executive Officer of the Institute.

8.0 APPLICATION OF THE STANDARDS

These standards shall apply to all institutions that want to provide training in Procurement and Supply Chain Management in Malawi and are in line with the Act. This Act must be used as a living document to guide all operations and decisions to this effect. Part III of the Act states that no institution or individual will be allowed to render services without being accredited.

The Institute, according Part II of the Act, shall set and conduct professional examinations leading to award of certificates; annually publish in the Gazette a list of registered Procurement and Supply Management members by 30th April each year. In the same vein, the Education and Qualification Committee is to constantly satisfy itself and the Board on the adequacy of the curriculum and the learning conditions to ensure that graduates have sufficient knowledge, skills, ethical standards for the practice of the procurement and supply chain management profession.

9.0 CONCLUSION

The initiative of the Institute to develop standards for procurement and supply management training institutions and providers is commendable. However, it is important that all stakeholders embrace the standards through an effective advocacy programme to ensure that all stakeholders, including institutions and individuals in procurement and supply chain management, abide by the standards stipulated herein.

APPENDIX I: ACCREDITATION STANDARDS FOR TRAINING INSTITUTIONS AND PROVIDERS

Below are proposed minimum standards for newly established and continuing training institutions:

An institution of Higher learning shall work to meet the standards which have been established by the Council.

PART 1

1.0 General guidelines on facilities

The training Institutions must ensure that the various physical facilities comply with the applicable construction laws as well as health laws of the Republic of Malawi.

1.1 Infrastructure and equipment

An institution will be required to demonstrate that it has adequate structures and equipment to support the mission statement, purpose and scope of programmes and services being offered.

1.2 Adequacy and suitability of classrooms

The parameters that shall be looked into are classroom size, ventilation and light; availability of toilets/urinals in observance of the recommended student-facility ratios of 1: 10; computer laboratories - one per institution, with a computer -students' ratio of 1:20; classrooms/lecture rooms per training programme spacious enough to allow the minimum one square metre space per student; and Libraries - one per institution, and one that is capable of affording every student one square metre sitting space.

TABLE 1.1: TO SHOW SPACE REQUIREMENT OF PHYSICAL FACILITIES

Infrastructure	Ideal	Good	Acceptable	Unacceptable
Class not more than 50	1.2sqm per student	1sqm per student	0.8sqm per student	Less than 0.8sqm per student
Teaching space	20sqm	15sqm	10sqm	Less than 10sqm
Computer Lab. 1 per institution	2.0sqm per student		2.0sqm per student	Less than 1sqm
Toilets	One for 10 students Urinal one for 25 male students		One per 20 students urinal One per 30 students	

TABLE 1.2: MINIMUM REQUIREMENTS OF FUNCTIONING FACILITIES

Facility	Minimum space requirement	Minimum No. Required
Conference Hall- more than 50 persons	0.8 square meter per person	1
Staff room	30square meters	1
General office structure	10 square meters	In accordance with institutional
Student recreational centre	50 square meters 1	
Board room	60 square meters	In accordance with the institutional structure
Principal's office	30 square meters	1 per institution
Secretary's office	13 square meters 1	

PART 2

1.0 Teaching and Learning Materials:

An institution must have relevant reference materials such as recommended books and course outlined materials; teaching aids and other support facilities including internet sources of learning materials. The library must be equipped with relevant up to date text-books, reference materials and e-resources. The library should meet the book-student ratio of 1: 20.

TABLE 1.3: MINIMUM LIBRARY RESOURCES REQUIREMENT

Item	Ideal	Good	Acceptable	Unacceptable
Library relevant books student ratio	1:10	1:20	1:30	Above 1:30
Library computer student ratio	1:5	1:10	1:25	Above 1:25
Library Internet Connectivity (hours)	Twenty	Fourteen	Twelve	Less than twelve hours
Number of Links to e-library resources	Ten	Five	Three	Less than three
Library Resource	one per institution and one square metre per student			Less than 0.8 square metres

1.1 Training programme and minimum qualification of teaching staff

Every training institution must have two full time fully qualified staff per training programme.

Table 1.4 below outlines minimum qualifications required of the teaching staff. The recommended teacher-student ratio is 1: 50.

TABLE 1.4: LEVEL OF TRAINING PROGRAMME AND MINIMUM QUALIFICATIONS OF TEACHING STAFF

Level of Programme	Qualification of Teachers/ Lectures
Certificate	Degree
Diploma	Degree
Degree	Master degree
Master's Degree	PhD; Master degree
PhD	PhD;
FMIPS Fellow Professional Membership Qualifications	FMIPS

On level of qualification for teaching staff, it will be the responsibility of the Institute as a regulatory body, to ensure that teaching is done by qualified personnel.

1.2 Students admission policy and selection criteria

Admission standards should clearly specify selection procedures that are in conformity with the stipulated guidelines set by the Ministry of Education, the Council and the Office Director of Public Procurement and relevant Government of Malawi organs. Table 1.5 below shows training levels, entry requirements and duration for each training programme.

TABLE 1.5: MINIMUM ENTRY REQUIREMENT AND PROGRAMME DURATION

Programme	Entry Requirement	Duration
Certificate in Procurement and Supply: Level 2	MSCE including credit pass in English and Mathematics. No professional entry requirement	1 year. Topics covered: Principles ;Functions Processes; Administration Stakeholders in P&S
Advanced Certificate in Procurement and Supply: Level 3	CIPS/MIPS Certificate	2 years. Topics Covered: Environment; operations; Workflow; inventory and logistics; relationships
Diploma in Procurement and Supply: Level 4	CIPS/MIPS Advanced Certificate	3 years. Topics Covered: Context; business needs; sourcing; negotiation & contracting; managing contracts & relationships.
Advanced Diploma in Procurement and Supply: Level 5	CIPS/MIPS Diploma	4 years. Topics covered: Management; managing risks; improving competitiveness of supply chain operations; category management; sustainability.
Professional Diploma in Procurement & supply Level 6	CIPS Advance Diploma	Leadership, cooperate &business strategy; strategic supply chain management; programme and Project management; Legal issues in procurement & supply
Bachelor's degree	(i) MSCE at least six credits including English and Mathematics or (ii) MSCE plus Bridging course (4 years) or (iii) Advanced Certificate Level CIPS/THE INSTITUTE (3years) or (iv) University Diploma in related field	4 years. Topics covered: All CIPS/MIPS evel courses; Leadership; project management; Cooperate business strategy; strategic supply chain management; Legal issues in Procurement and Supply 3years Topics Covered (as above).

	Advanced Diploma CIPS /THE INSTITUTE Advanced Diploma	2 years. Topics covered inclusive of the above courses
Masters; PhD	Advanced diploma CIPS/MIPS	2 years (Masters) and 4 years (PhD). Topics covered will be according to approved curriculum.
THE INSTITUTE Fellow Professional Membership Qualification	Professional Membership of MIPS conferred on someone with Degree and /or Advanced CIPS/ MIPS Diploma and also having occupied senior position in an organisation for at least three years; sat and passed MIPS professional examinations	Completed Advanced diploma plus 10 years as procurement officer and 3 years of practical/ professional experience

NOTES ON TRAINING PROGRAMMES SHOWN IN TABLE 1.5 ABOVE:

(*a*) Certificate level: Entry requirement is MSCE certificate including credit passes in English and Mathematics, and the duration is one year.

(*b*) Advanced Certificate: The entry requirement is CIPS Certificate, and the duration is two years.

(*c*) Diploma: the entry requirement is CIPS/MIPS Advanced Certificate or its equivalent, and the duration is three years.

(*d*) Advanced Diploma: The entry requirement is CIPS/MIPS Diploma or its equivalent, and the duration is four years.

(*e*) Degree Level: There are four options available for one to enter into a degree training programme, namely:

(i) Direct entry from school with an MSCE with at least six credits including English and Mathematics. Duration four years.

(ii) An MSCE but slightly short of the above. Undertake a Bridging Course followed by examinations and if successful, can be admitted into the programme. The course content and duration of bridging course to be determined by the training institution. Duration four years.

(iii) Advanced School Certificate Pass or A Level candidates. Duration three years.

(iv) University Diploma in a related field; CIPS/MIPS Advanced Diploma or its equivalent, and the duration is two years.

(vi) Masters/PhD: Advanced CIPS/MIPS Diploma; Bachelor's degree, Master's degree. Duration two years for Master's degree and 4 years for PhD.

(vii) FMIPS Fellow Professional Membership (CIPS)/Fellow Professional Membership of the Institute: conferred on someone as procurement person with Degree and /or Advanced CIPS/MIPS Diploma for ten years and also having occupied senior position in an organisation for at least three years or sat and passed the Instituteprofessional examinations.

2.0 Healthy, Safe and Secure Environment:

The institution should have conducive learning environment; availability of first aid kit facility / facilities, clean running water, safe and insured buildings, and fire extinguishers. It is important that every institution provides for persons with special needs.

TABLE 1.6: CONSTRUCTION SPECIFICATIONS

Facility	Minimum space requirement
Pavements	Foot path gradient not more than 1:20 slope. For a too long gradient introduce rest areas between 1:20 and 1:15
Humps; Entrance doors and corridors	Minimum width of footpath 1.8 metres plus hand rails on either side of the hump. For entrance doors and corridors, provide level area for easy turning of wheel chair. Minimum door space 0.8m. The doors to open outside
Elevators	Should be wide enough for the wheel chair
Toilets	Must be fitted to provide for the movement of a wheel chair. Solid waste management must be according to City regulations and standards.

3.0 ACADEMIC PROGRAMME

In assessing the academic programmes, the Accrediting Authority, which is the Institute, shall pay attention to the following—

(*a*) programme title, aims and objectives of the course;

(*b*) course code/ syllabi;

(*c*) weighting of the course (number of credit units);

(*d*) year and semester of the course;

(*e*) assessment;

(*f*) awards; and

(*g*) awarding body.

3.1 Details of the course programme:

(*a*) name(s) of the teaching staff, qualifications and position of full time lecturers;

(*b*) number of lecturers by department and position of part – time lecturers;

(*c*) context of the course within the programme;

(*d*) course objectives, outline and content;

(*e*) assessment methods/criteria;

(*f*) reference materials; and

(*g*) mode of delivery.

3.2 Duration of Programme and Contact Hours

The duration of programme and number of contact hours between staff and students in higher education institutions should be in accordance with regulations issued by the Council—

(*a*) programme/course duration should be clearly specified in terms of semesters per academic year/calendar months. The course outlines with assessment procedures should be made known to all students;

(*b*) institutions operating on semester system should ensure that each semester lasts a minimum of eighteen weeks of teaching followed by a period of examinations; and

(*c*) each course should be allocated a minimum of three hours per week of learning.

3.3 Examinations, Regulations and Standardisation of Awards

Institutions of higher learning should ensure that—

(*a*) candidates have a minimum attendance of 75% of lectures to be eligible to sit for examinations;

(*b*) ensure that all their candidates are fully notified in writing on examination regulations and procedures preferably at the beginning of the academic year;

(*c*) Institutions should ensure consistency and transparency in the formats and conduct of examinations and mode of marking scheme;

(*d*) institutions to ensure validity and reliability of examination results; mechanisms for examination quality assurance should include moderation, proper conduct and marking by internal and external examiners especially the final year;

(*d*) students should have a right of appeal when dissatisfied with the conduct of examinations and assessment. The appeal mechanism should be known to students and other stakeholders well before examinations take place;

(*e*) training programmes should be appropriately weighted. Assessment should be as a result of assigned grades as follows—

(i) A (80% +); B+ (70-79%); B- (60-69%); C (50-59%); and D (0-49%) normally used in secondary schools although the final grading of MANEB at MSCE Ordinary Level grades range from 1 to 9 as follows;

(ii) 1-2 Distinction; 3-6 Credit; and 7-8 Pass; and 9 Fail;

(iii) the following classification of awards is used in case of Cambridge School Certificate;

(iv) A = First Class; B+ = Second Class Upper Division; B = Second Class Lower Division; C = Pass; D = Fail;

(viii) assessment records of students should follow the Grade Point Average (GPA) score system; and

(ix) when presenting the results, every institution is to comply with percentage range to letter grade and points that correspond to it.

3.4 Need for National Qualifications Framework (NQF)

National Qualifications framework is a way of converting qualifications obtained in one institution within a country and that obtained in another institution (which is used as a benchmark). For example if one qualifies in Economics at Lilongwe University of Agriculture and Natural Resources, how would you compare him or her with one who graduates at Exploits University? The framework is necessary when comparing foreign obtained qualifications to those obtained in Malawi. The Table below gives an example of

a qualification framework. It compares CIPS qualifications in United Kingdom to those of South Africa Quality Assurance, National Qualification Framework (SAQA, NQF), Australia Qualification Framework (AQF), Asia Pacific, United Arab Emirates and Africa -which includes Malawi. In each of these countries, the yard stick is CIPS which consists of 5 levels of awards and each level has 5 compulsory units of study and each unit is assessed through examinations. However, what may differ between CIPS in countries could be the delivery method of these units of study which may include lecturing, tutorial, practical and workshops of different modes and perhaps where higher education (degree) or professional certificate level comes in.

TABLE 1:7 EXAMPLE OF A NATIONAL QUALIFICATION FRAMEWORK

CIPS qualifications	Other Country Equivalents
Professional diploma in Procurement and Supply	Bachelors (Honours) degree. National Vocational qualifications (NVQ) level 6 (UK), New Zealand Qualification Authority (NZQA) level 7 (NZ).
	SAQA, NQF level 8 (SA)AQF vocational graduate certificate
	Graduate diploma level 6 (TEVETA)
Advanced diploma in Procurement and Supply	2nd Year honours degree, NVQ level 5 SAQA NQF level 7(SA), NZQA level 6 (NZ)
	AQF Advanced Diploma (Vet/Aus/TQF level 5 (TEVETA)
Diploma in Procurement and Supply	First Year degree or Honours degree NVQ level 4 UK SAQA NQF level 6 (SA),NZQA level 5 (NZ)
	AQF diploma (VET/AUS) TQF level 4 (TEVETA)
Advanced Certificate in Procurement and Supply Operations	SAQA NQF level3 (SA), A level NVQ level 3, Foundation studies (UK)AQF certificate IV (VET/AUS) TQF Level 3 (TEVETA)
Certificate in Procurement and Supply Operations	GCSE or NVQ Level 2 (UK) AQF certificate III (AUS)

4.0 ROLE OF SELECTED STAKEHOLDERS IN ACCREDITATION PROCESS

The system of accreditation will involve a number of players as follows—

(*a*) employers;

(*b*) the Institute as a regulatory body; and

(*c*) The National Council for Higher Education.

These players shall be guided by the Act and shall ensure that—

(*a*) institutions involved in procurement and supply training should set their standards in compliance with the stipulated standards;

(*b*) institutions should keep record of basic procurement standards to meet society and student needs; and

(*c*) outcomes and improvements are research based and closely linked to mission and purpose of the institution and the education objectives.

4.1 Role of employers

Employers are important stakeholders and should be involved in the following roles—

(*a*) participate in tracer studies;

(*b*) offer opportunity for internship;

(*c*) ensure employee performance evaluation, development of the job descriptions and specifications;

(*d*) assist in reviewing procurement curricula; and

(*e*) participate in updating procurement occupational standards. In implementing these standards, all stakeholders will play their rightful roles to ensure that the objective of establishing standards is fulfilled.

4.2 Role of National Council for Higher Education

The Council shall liaise with the Institute in the accreditation of Procurement and Supply training institutions, particularly on the academic programmes.

4.3 Role of the Institute as a regulatory body

In accordance with current legislative framework governing procurement, financial management and regulation of procurement and Supply professionals in Malawi, the Institute shall undertake the following—

(*a*) work with all key stakeholders to implement the stipulated standards;

(*b*) carry out market surveys to assess the standards required and capacity of training programmes needed in procurement;

(*c*) review procurement education and training standards in consultation with other competent authorities;

(*d*) coordinate consultative meetings in procurement education and training with key stakeholders;

(*e*) participate in inspection, investigation, audit and quality assurance of training institutions;

(*f*) recommend to relevant authorities appropriate punitive action to be taken against a person or organisation for breaching any of the stipulated standards; and

(*g*) ensure that procurement training standards are approved by relevant authorities and disseminated to all stakeholders accordingly.

Within the Institute, this role will squarely fall on the Education and Qualifications Committee as per Part II Section 4 (*b*) and (*c*) and Part V Sections 33(*a*) and (*b*) of the Act.

APPENDIX II

Form 1: MIPS MALAWI ELIGIBILITY REQUIREMENT VERIFICATION FORMS

The Institute in undertaking the accreditation exercise, the following draft Eligibility Requirement Verification Forms should be used to collect the relevant information from all institutions involved in Procurement and Supply training.

SECTION A—TO BE COMPLETED BY A REPRESENTATIVE OF THE TRAINING INSTITUTION

1. Name of the training institution:.....
2. Postal Address:.....
3. E-mail:.....
4. Phone Number: .....
5. Business Address: .....
6. Date of Incorporation: .....
7. Certificate of Incorporation: .....
8. What are the Vision, Mission
   Goal and Core values of your institution? .....
   .....
   .....
   .....
   .....
   .....
9. Outline main activities of your institution:
   .....
   .....
   .....
   .....
   .....
   .....
10. List names of your facilitators/lecturers below for and the Accrediting authority

Prog No.	Programme Title	Facilitator/ Lecturer	Qualifications	Full Time /Part Time	Accredited by & Certificate No.

(Please Attach Copies Of Academic Certificates/ Credentials Of The Facilitators/ Lecturers)

11. Support Staff

Number	Position	Qualifications	Job Description

12. What type of training do you provide?

.....

.....

.....

12a. Which of the above do you specialise in?

.....

.....

.....

13. What Level (s) of personnel are your training programmes intended for?

.....

.....

.....

.....

14. What methods of training do you employ in your programme?

.....

.....

.....

.....

15. PIease indicate below the Directors of your institution

Name	Postal Address	Telephone no.	position

SECTION B—TRAINING EXPERIENCE IN THE LAST THREE YEARS

1. Training Jobs Executed

Period	Name of Programme	Commencement date	Duration	No. of Participants	Qualification

2. You will be required to show—
   (*a*) some of the past materials used, and
   (*b*) some of the evaluation instruments administered on your participants.
3. Please make the following available—
   (*a*) past training materials;
   (*b*) completed participants' evaluation form; and
   (*c*) end of programme evaluation report.

SECTION C—RESOURCES AND FACILITIES

1. Training Rooms

Type	No.	Capacity		
Lecture				
Conference				
Syndicate				
Auditorium				
Others				

2. Library
   (*a*) sitting capacity;
   (*b*) type of publications in stock.

Publication	Type	Volume		
Books				
Journals				
Periodicals				
E-Books				
Others (specify)				

3. Please provide us with the list of text books/ resource materials in your Library.

4. Do you have

(*a*) internet Yes ..... No .....

(*b*) intranet Yes ..... No.....

(*c*) e-library Yes ..... No.....

5. Audio-Visual Aids

Type	Number	Condition	
		Good	Faulty
CD/VCD/DVD			
Computers			
Flipchart board			
Overhead projector			
Magic board			
Interactive white board			
Others (please specify)			

Please list the number of facilitators who were present during the Accreditation visit

Declaration:

I,.....on behalf of .... hereby declare that the statements made herein are correct to the best of my knowledge and belief. We agree to abide by all regulations governing the practice of procurement and supply management training as may be put in place by the Institute and the Council for Higher Education. We are aware that any false or incomplete information given in this form will lead to automatic disqualification of our institution from accreditation.

Head of the Institution

Name: .....

Position ..... Date .....

For Official Use Only

SECTION D—ASSESSMENT FACTORS AND WEIGHTING FOR RESOURCES AND FACILITIES

No.	Factor	Ranking				
		4	3	2	1	0
1	Faculty					
2	Library resources					
3	Experience					
4	Support Staff					
5	Executive Directors					
6	Firm's area of specialisation					
7	Training					

No.	Factor	Ranking				
		4	3	2	1	0
8	Research					
9	Consultancy					
10	Others					
	Physical Resources					
11	Generator					
12	Cafeteria					
13	Guest facility					
14	Office equipment					
15	Vehicles					
16	Telephone					
17	Internet facility					
18	Intranet facility					
19	Programme/Curricula					
20	Accessibility office space					
	Training Rooms:					
21	Lecture rooms					
22	Conference rooms					
	Library:					
23	Sitting capacity					
24	Books					
25	Journals					
26	Periodicals					
27	e-library					
28	e-books					
	Audio Visual Aids					
29	Video player					
30	Interactive white board					
31	Computers					
32	Flipchart board					
	Overhead projector					
33	Magic board					
34	Multimedia					
35	Others (please specify)					
	TOTAL					

Key: 0= Very bad, 1= Bad / Unacceptable; 2= Average /Acceptable; 3= Good; 4= Very Good/ Ideal

Section E: Summary of Assessments

Score

Factors 1-10 .....

Factors 11-20 .....

Factors 21 -22 .....

Factors 23 -28 .....

Factors 29 -35 .....

Total .....

Date of inspection by accrediting team .....

Team members:

1. Name.....

   Address .....

   .....

   Tel. no. ..... Signature: .....

2. Name.....

   Address .....

   .....

   Tel. no. ..... Signature: .....

3. Name.....

   Address .....

   .....

   Tel. no. ..... Signature: .....

   CEO's Signature ..... Date .....

   Address: .....

   .....

For Official Use Only

Registration Number..... Date received .....

Accreditation outcome:.....

Rejected ..... Accepted.....

(Please tick whichever applies)

Reasons for rejection:

.....

.....

.....

.....

.....

.....

Name of accrediting officer: .....

Signature of officer: ..... Date .....

Name of authorising officer: .....

Date: .....

RECOMMENDATIONS TO THE BOARD OF THE INSTITUTE:

In light of the exhaustive assessment of the institution as undertaken above, I recommend your confirmation that this institution's application be approved/rejected pending further review of the situation on a later date.

Rejected..... Approved .....

(Tick whichever is applicable)

Name .....

Position: Board Chairperson

Signature:..... Date: .....

Following the Board's approval/rejection, the Chief Executive Officer will write the Minister concerned seeking approval that the institution be accredited. Upon receipt of the Minister's decision, the concerned institution may wish to appeal against the decision. Such an application should be filed within ten working days of receipt of the Minister's decision.

THIRD SCHEDULE (reg. 4)

BOARD CHARTER OF THE MALAWI INSTITUTE OF PROCUREMENT AND SUPPLY

TABLE OF CONTENTS

1.0 ESTABLISHMENT

The Malawi Institute of Procurement and Supply (MIPS) was established by the MIPS Act, No. 3 of 2016. The Institute has power to regulate the procurement and supply chain professionals in Malawi.

2.0 BOARD'S MANDATE

OVERALL RESPONSIBILITY

2.1 The main responsibility of the Board shall be the administration and general management of the Institute. The Board shall be guided by the Act, including any Regulations made thereunder or any other relevant laws.

2.2 The Board shall be responsible for the overall leadership and long-term success of the Institute. In this regard, the Board shall ensure that they put in place prudent and

effective risk control measures and strict adherence to approved strategic goals of the Institute in compliance with the approved Strategic Plan as well as effective human resource utilization and development.

DUTIES

2.3 The general duty of MIPS is to ensure that all procurement and supply chain professionals register with the professional body with an aim of establishing educational standards and qualifications for the procurement and supply chain management profession in Malawi.

2.4 However, MIPS has the other specific duties as set out in section 4 paragraphs (*a*) to (*n*) of the MIPS Act.

3.0 COMPOSITION OF THE MIPS BOARD

3.1 In accordance with section 5 of MIPS Act, the Board shall consist of the following members—

(*a*) the Chairperson;

(*b*) two members from the public sector;

(*c*) two members from the private sector; and

(*d*) three members from the general membership of the Institute and the Director of Public Procurement and Disposal of Assets Authority as ex-officio members:

3.2 The Chairperson shall be elected from the seven appointed members under subsection 1(*a*) of the MIPS Act.

3.3 In addition to the members stated in Clause 3.1, the President of the Institute may also attend meetings of the Board on invitation:

3.4 The Invited Official shall participate in the deliberations of the meetings of the main board and its committees and shall be entitled to vote.

4.0 ABSENCE OF CHAIRMAN AND DELEGATION OF DUTIES

4.1 In the event of the Chairman being absent for a period of more than twenty-eight (28) days, members of the Board shall elect one of their number to exercise the powers and perform the duties of the Chairperson.

4.2 The Chairperson shall preside at any meeting of the Board. In his absence members present shall elect one of their number to preside at the meeting.

4.3 In the event of any member performing the functions and duties of the Chairperson pursuant to Clauses 4.1 hereof, such Member shall, upon the Chairperson resuming his duties, provide the Chairperson with a report of the duties and functions carried out by him during the Chairperson's absence.

6.0 ROLES AND RESPONSIBILITIES OF THE BOARD CHAIRPERSON

6.1 The Board Chairperson's primary role is to manage the Board of Directors. In performing the said role, some of the responsibilities of the Chairperson shall be—

(*a*) providing leadership to the Board;

(*b*) ensuring that the Board and its committees perform their functions effectively;

(*c*) ensuring that Members receive accurate, timely and clear information;

(*d*) acting as a link between the Authority and Government;

(*e*) acting as spokesperson of the Board;

(*f*) ensuring that enough time is allowed for discussions of complex or contentious issues in meetings;

(*g*) approving the proposed agenda as prepared by Management;

(*h*) taking the lead in deliberations during meetings;

(*i*) ensuring that the performance of the Board as a whole and of individual directors is evaluated in such manner as may be agreed among members;

(*j*) encouraging active engagement by all members of the Board by ensuring prompt and detailed arrangement and attendance of board and committee meetings;

(k) ensuring that principles of good corporate and board governance are adhered to;

(*l*) building and maintaining a sound working relationship with the Membership.

7.0 ROLES AND RESPONSIBILITIES FOR BOARD MEMBERS

7.1 Board Members have the following key roles and responsibilities—

(*a*) to be diligent and adhere to the Institute's, mission, vision and core values;

(*b*) to represent the interests of the Institute in all fora (local, regional and international);

(*c*) to ensure prompt attendance of meetings and participation in meetings;

(*d*) to keep themselves informed and conversant with matters relating to the Institute and the procurement and supply chain management profession;

(*e*) to owe a fiduciary duty to the Institute and the Government; and

(*f*) to keep confidential all matters discussed during Board meetings.

8.0 DUTIES OF BOARD MEMBERS

Some of the duties of Board members include—

(*a*) to keep all information of the Board confidential; and

(*b*) to attend all Board and committee meetings.

9.0 COMMITTEES OF THE BOARD

9.1 The Board shall consist of the following Committees—

(*a*) Education and Qualification Committee;

(*b*) Professional Practice Committee;

(*c*) Finance and Administration Committee; and

(*d*) Disciplinary Committee.

9.2 The Board shall be at liberty to set up any other additional committees.

9.3 At times the Board may set up *ad hoc* committees to handle specific issues for a specific period of time.

9.4 The duty of the committee is to review issues in greater detail and to provide specialized advice and guidance to the Board.

10.1 COMPOSITION OF BOARD COMMITTEES

10.2 The Board may establish Committees of the Board as they deem fit for the proper and effective handling of Board issues.

10.1 Membership to the respective Committees shall be by consensus and voluntary, reflective of each member's individual skills and experience.

10.2 In the event of failure to constitute the Committees by consensus, membership shall be determined by election with majority vote.

11.0 FRAMEWORK TERMS OF REFERENCE

11.1 Each Committee shall establish its terms of reference (TORs) and its operating procedures. These TORS may be changed from time to time.

11.2 Notwithstanding Clause 11.1, the frameworks TORs for each of the Committees shall be as set out in Annex 1 hereof.

11.3 Annex 1 may be periodically reviewed by the relevant committee and changed with the approval of the Board.

11.4 Occasionally, Committees, with prior approval of the Chairperson of the Board, may engage consulting advice and independent counsel.

12.0 MEETINGS OF THE BOARD

12.1 The Board shall meet at least once every quarter of the year.

12.2 The Board may meet for an Extra-Ordinary Meeting to transact urgent business. For planning purposes, Management may plan for additional meetings in any particular year.

12.3 The Meetings of the Board shall be governed by the provisions of the First Schedule to the Act, this Charter and any agreed procedures. The meeting shall be scheduled preferably in the following manner:

First quarter (January-March)

(1) Education and Qualification Committee- February
(2) Professional Practice Committee-February
(3) Finance and Administration Committee-February
(4) Disciplinary Committee-Beginning March
(5) Board Meeting-end March

Second quarter (May-July)

(1) Education and Qualification Committee- May
(2) Professional Practice Committee-May
(3) Finance and Administration Committee-May
(4) Disciplinary Committee- beginning June
(5) Board meeting- end July

Third quarter (August-October)

(1) Education and Qualification Committee- August
(2) Professional Practice Committee-August
(3) Finance and Administration Committee- August
(4) Disciplinary Committee-August
(5) Board meeting-end October

Last quarter (October-December)

(1) Education and Qualification Committee- November
(2) Professional Practice Committee-November
(3) Finance and Administration Committee- November
(4) Disciplinary Committee- November
(5) Board meeting- mid December

14.0NOTICES AND PREPARATION OF AGENDA AND BOARD PACK

14.1The Board Secretary shall prepare the proposed draft agenda for the main Board in consultation with the Chief Executive Officer and the Chairperson.

14.2The Board Secretary shall prepare the proposed draft agenda for the committee meetings in consultation Chairperson of the Board. 14.3 The Board Secretary shall be responsible for the preparation of the Board pack and notice of the meetings and ensure timely dispatch of the same to the members.

14.4Management shall ensure that Notice of Meeting together with the Board pack and other necessary documentation is provided to members at least two (2) weeks in advance.

14.5All communication relating to the preparation of the board packs and conduct of meetings shall be the responsibility of the Board Secretary

14.6Any member of the board may call for an extraordinary meeting in accordance with the provision of the Act.

13.0CONDUCT OF MEETINGS

13.1Meetings of the Board shall be presided over by the Chairperson of the Board.

13.2In the absence of the Chairperson, meetings shall be presided over by the member appointed by the Chairperson under provisions of the Act or the Member elected by the Members in accordance with the depending on the circumstances behind the Chairperson's absence.

13.3The Chairperson shall ensure that each Member is accorded the opportunity to fully participate in deliberations and decision making process of the Board.

13.4Decisions of the Board shall be made by consensus. In the event of failure to reach a consensus, decisions shall be made by a majority vote of all members present and entitled to vote.

13.5 No single member of the board shall make any decision binding the Institute. Where the urgency of the matter warrants that a specific decision be made without the board meeting, such decision shall be made by a special round resolution signed individually by each member of the board. Decisions made by round lobbying shall be ratified by the Board at its subsequent meeting.

13.6 The Chairperson shall ensure that the quorum is formed and maintained during meetings.

13.7 Committee meetings shall be presided over by the respective Chairpersons of the Committees.

16.0 EVALUATION OF THE BOARD

16.1 The Board and its members shall be evaluated at least once every year in a manner that is generally acceptable by the Board.

17.0 CONFIDENTIALITY, CONFLICT OF INTEREST AND ETHICAL BEHAVIOUR OF THE BOARD

17.1 Members shall keep all matters discussed at the Board and committee meetings confidential provided that, where it becomes necessary to communicate a matter to the general public, such matter shall only be communicated by the Chairperson or by any member with the a Chairperson approval.

17.2 Except with prior approval of the Chairperson, Members shall not disclose matters deliberated the Board meetings to any third party including members of the press.

17.3 The Chairperson of the Institute shall be entitled to speak to the press on official matters relating to the Institute.

17.4 Members shall avoid actual or appearance of conflict of interest in any matter relating to the Institute. Accordingly, a Member shall not participate in any deliberation of any matter to which he has or could have an actual or potential interest

17.5 A Member shall recuse himself from participating in the discussions of any matter to which he has or may have an interest. Failure to disclose such interest could be considered a serious breach of trust and amount to unethical behavior.

17.6 The Board shall act in the best interest of the Institute and uphold its fiduciary responsibilities and duty of care. In performing its duties, the Board shall act with utmost ethical behavior thereby ensuring that confidential information is kept as such.

17.7 The Board shall abide by the rules of conflict of interest as set out in the regulations.

18.0 DIVISION OF RESPONSIBILITY BETWEEN THE BOARD AND MANAGEMENT

18.1 The Board shall, appoint the Chief Executive Officer of the Institute who shall be responsible for the direction of and supervision over the work and staff of the Institute.

18.2 The Chief Executive Officer is responsible, in accordance with the directions of the Board, for the general day-to-day management and conduct of the affairs of the Institute.

18.3 The Chief Executive Officer is the Board's link to the administration of the Institute is accountable to the Board as a whole and shall ensure that he keeps the board fully informed of all matters relating to the management of the Authority.

18.4 In the context of the above relationship, and at the board's discretion the Board may—

(*a*) direct the Chief Executive Officer to achieve results reflective of the strategic plan, corporate indicators and performance monitoring processes established by the Board;

(*b*) provide parameters for achieving results;

(*c*) direct the Chief Executive Officer to provide and report on a succession plan annually to the Board;

(*d*) delegate authority to the Chief Executive Officer to carry out a specific decision on behalf of the Board;

(*e*) authorize the Chief Executive Officer to enter into employment agreements with } staff, setting out terms and conditions of employment, and salary and benefits; and

(*f*) authorize the Chief Executive Officer to delegate authority, implement policy, establish procedures, make all decisions, take all actions, establish all practices and direct all activities for the Board.

19.0 POLICIES

19.1 Members may develop policies for the better performance of their functions under this Charter. All policies for the Board shall form part of this Charter and shall be adhered to at all times by the Members and Management.

19.2 Members may develop policies relating to various matters governing their conduct and their mandate, including donations, code of conduct among members, decision making processes, conduct of interviews etc.

19.3 All policies shall be made in accordance with the Act, and any regulations and rules made under the Act, the prevailing Conditions of Service and such other instruments applicable to the Institute and in force from time to time.

20.0 AMENDMENT

20.1 This Charter may be amended by a majority of two thirds a decision of the members of the Board.

21.0 EFFECTIVENESS

21.1 This Charter shall come into effect upon approval by the Board.

ANNEX

TERMS OF REFERENCE FOR COMMITTEES

Each Committee shall establish its terms of reference (TORs) and its operating procedures. These TORS may be changed from time to time.

Notwithstanding the power of committees to set their own TORs, the committees shall operate under the following framework TORs:

(*a*) review and provide oversight over all technical matters of the Authority;

(*b*) provide oversight and guidance for the implementation of all technical decisions as mandated under the Act;

(*c*) develop, review, and implement activities, policies, laws and regulations relating to procurement and supply chain management profession; and

(*d*) provide advice and recommendations to management and board on technical matter over which the Authority regulates.

Finance and Administration Committee

The mandate of the Committee is to—

(*a*) review and provide overall financial oversight for all financial matters of the Authority;

(*b*) ensure financial prudence and adherence to budget and other relevant guidelines and laws including the Public Audit Act and the Public Finance Management Act ;

(*c*) provide financial oversight over major expenditures and procurement matters;

(*d*) provide advice and recommendations to management and the Board on major financial transactions and activities;

(*e*) provide oversight over administrative matters including human resource capacity development;

(*f*) provide oversight over corporate governance practices within the Institute;

(*g*) be responsible for disciplinary actions relating to senior members of staff, including the conduct of investigations and disciplinary hearings;

(*h*) ensure the existence and maintenance of good working environment and relationship within the Institute;

(*i*) conduct review of human resource needs including the overall responsibility of functional review and recruitment of senior staff in accordance with the conditions of service; and

(*j*) ensure the development of and adherence to the Strategic Plan.

Disciplinary Committee

The Committee shall have functions as stipulated under Part IV of the Act.

Education and Qualification Committee

The Committee shall have functions as stipulated under Part V of the Act.

Professional Practice Committee

The Committee shall have functions as stipulated under Part V of the Act.

Signed:

....

CHAIRMAN BOARD SECRETARY

FOURTH SCHEDULE (reg. 6)

PRESCRIBED FORMS

FORM 1

MEMBERSHIP APPLICATION FORM

(Please read the guidance notes before completing the form)

1. Category of Membership you are applying for

Full ..... Affiliate..... Student..... Foreign.....

2. Personal Information

Title: Prof Dr Mr Mrs Miss

Male..... Female.....

Surname..... Maiden Name.....

First Names..... Date of Birth.....

Telephone Numbers..... Fax Number.....

E-mail Addresses: Official .....

Personal.....

Postal Address:.....

Country of Residence.....

3. Qualifications

(*a*) State Highest Academic qualifications already achieved

Qualification.....

Awarding Body.....

Institution.....

Year.....

(*b*) state Highest Professional qualification already achieved

(i) qualification.....

(ii) awarding body.....

(iii)institution..... Year.....

(*c*) state other qualifications already achieved

(i) qualification..... institution.....

(ii) qualification..... institution.....

(*d*) state any qualification you are currently studying for

(i) qualification..... institution.....

4. Employment Details:

Name of Employer.....

Physical Address.....

Postal Address.....

Telephone Number..... Fax Number.....

Date of Appointment .....

Position on Appointment.....

Current Position.....

Brief description of duties

.....

.....

.....

.....

.....

Reporting arrangements (tick)

(1) Top Management

(2) Senior Management

(3) Middle Management

(4) Low level management

Current salary range (MK per annum):

(1) Up to MK 1, 000, 000

(2) MK 1, 000, 001- MK 5, 000, 000

(2) Above MK 5, 000, 000

5. Career History (Start with current job)

Employer	Position	Start and end date

6. Professional membership

State other professional bodies to which you are a member of

(1) Name of body.....From.....To.....

(2) Name of body.....From.....To.....

7. Other information

State other information you think is relevant to your application

.....

.....

DECLARATION

1. I agree to abide by any rules and regulations which may be applicable to members of the Malawi Institute of Procurement and Supply;
2. I declare that the above information is true to the best of my knowledge, information and belief and in accordance with the Oaths, Affirmations and Declarations Act.

Signature..... Date.....

Before me:

Commissioner for Oaths

GUIDANCE NOTES FOR COMPLETING THE MIPS APPLICATION FORM

1. This Application Form has 4 pages including this page.
2. Please read and complete the form carefully.
3. Apply for Full Membership if you met one of the following criteria:- You have a Master's degree in procurement or supply management; Bachelor's Degree in Procurement or Supply Management or Level 6 Chattered Institute of Procurement and Supply and above or an equivalent qualification with one (1) year relevant work experience;
4. Apply for Affiliate Membership if you are a holder of any non-procurement and supply chain management degree or any non-procurement and supply chain management master's degree with three (3) years work experience in supply chain management; or a university degree in supply chain management degree with less than one (1) year relevant work experience.
5. Apply for Student Membership if you are studying for procurement or supply chain management qualifications.
6. Apply for Foreign Membership if you are NOT a citizen of Malawi and meeting the following conditions—
   (*a*) You are engaged to work as procurement and supply chain management practitioner under an international agreement entered into by the Government of the Republic of Malawi; and
   (*b*) possesses the requisite qualifications in procurement and supply chain management as stated in (3) and (4)

FOR OFFICIAL USE ONLY

Name of Applicant .....

Category of membership .....

Approved ..... Not approved.....

Comment(s).....

.....

.....

.....

.....

Signature..... Date.....

FORM 2 (reg. 6(5))

FULL MEMBERSHIIP CERTIFICATE

Promoting Procurement and Supply in Malawi

FULL MEMBERSHIP CERTIFICATE

Membership Number:.....

This is to certify that.....
is registered as Full Member of the Malawi Institute of Procurement and Supply

This certificate is valid from 1st January, 20..... to 31st December, 20.....

This Certificate remains a property of the Malawi Institute of Procurement and Supply and must be returned to the Institute on termination of membership. (to go overleaf)

Given under the common seal of the Institute at Blantyre

....
President Chief Executive Officer

Dated this day of .....Month.....20.....

FORM 3 (reg. 6(7))

Promoting Procurement and Supply in Malawi

NOTICE OF REJECTION OF APPLICATION

To :.....

.....

IN THE MATTER OF.....
.....you
are hereby notified that your application for..... has been rejected by the Institute on the following grounds—

(*a*) .....

(*b*) .....

(*c*) .....

(*d*) .....

(*e*) .....

Dated this.....day of ....., 20.....

.....
CHIEF EXECUTIVE OFFICER

FORM 4 (reg. 8(2))

Promoting Procurement and Supply in Malawi

AFFILIATE MEMBERSHIP CERTIFICATE

This is to certify that

.....

is registered as Affiliate Member of the Malawi Institute of Procurement and Supply

Given under the common seal of the Institute at Blantyre

Valid from 1st January, 20..... to 31st December, 20.....

Membership Number:.....

This Certificate remains a property of the Malawi Institute of Procurement and Supply and must be returned to the Institute on termination of membership.

....
President Chief Executive Officer

Dated this day of .....Month....., 20.....

FORM 4A (reg. 9(3))

FOREIGN NATIONAL PRACTISING LICENCE

Promoting Procurement and Supply in Malawi

LICENCE NO.....

LICENCE FOR PRACTISING AS FOREIGN NATIONAL

Holder's name.....

Current Address.....

Contracting Organization:.....

Nationality..... Passport No.....

Work permit No.....

This certificate is valid for a period of one(1) year commencing on the ..... day of ....., 20..... The conditions of the grant of the certificate are as shown in the Annexures attached hereto.

Issued at.....this.....day of.....,20.....

.....
CHIEF EXECUTIVE OFFICER

.....
ENDORSEMENT OF REGISTRATION

This certificate has this.....day of....., 20.....been entered in the Register.

.....
CHIEF EXECUTIVE OFFICER

FORM 5 (reg. 14)

Promoting Procurement and Supply in Malawi

NOTICE OF CHANGE OF PARTICULARS

To the Chief Executive Officer:

IN THE MATTER OF REGULATION 14 OF THE MALAWI INSTITUTE OF PROCUREMENT AND SUPPLY REGULATIONS, 2018

I, ... of .....
hereby apply to your office for change of my particulars as follows:

Current details	New details

Find attached the following documents to support the application:

1.

2.

3.

Dated this..... day of....., 20.....

.....
Holder

FOR OFFICIAL USE ONLY

Received by..... Signature.....

Dated this..... day of....., 20.....

ENDORSEMENT OF CHANGE OF PARTICULARS

Remarks:

I....., Chief Executive Officer of the Institute hereby grant/reject (cancel *whichever is inapplicable*) this application.

(Where the application has been rejected the Chief Executive Officer shall provide grounds for such rejection).

.....

.....

.....

.....

Signature.....
Chief Executive Officer

Dated this 26th day of September, 2018

FIFTH SCHEDULE (reg. 15)

PENALTIES FOR NON-PAYMENT AND LATE PAYMENT OF MEMBERSHIP SUBSCRIPTION AND RENEWAL FEES

(1)	April	10% of the amount due
(2)	May and June . .	15% of the amount due
(3)	July to August . .	25% of the amount due
(4)	September onwards	shall result in deregistration of the membership from the register

Made this day of , 2017.

GOODALL E. GONDWE
Minister of Finance, Economic Planning and Development

(FILE NO. MIPS/REG/01/02)