

**ASSOCIATION OF PROCUREMENT PROFESSIONALS
(APP)**

APP

RULES OF PROCEDURE

February 2019

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PREAMBLE

The General Assembly,

Pursuant to Law N° n°011/2016 of 02/05/2016 establishing the Association of Procurement Professionals and determining its organization and functioning, especially the articles 3, 8, 10, 11, 17, 20, 22, 23, 24, 25, 27, 29, 33, 36 and 38;

Basing on the proposal of the Interim High Council elected by procurement practitioners on 31/01/2017;

After consideration in its session of 02/02/2018

Decides :

PART I: PRELIMINARY PROVISIONS

Article one: Definitions

“Absolute majority” in a vote, refers to the need to obtain more than half of the votes cast.

“Association” refers to the Association of Procurement professionals (APP in short) established by the law N° 011/2016 of 02/05/2016 establishing the Association of Procurement Professionals and determining its organization and functioning.

“Day” means calendar day including holidays unless provided otherwise;

“Client”: procuring entity which entered in relationship with the procurement professional for the purpose of his profession;

“High Council” means the High Council under the law N° 011/2016 of 02/05/2016 establishing the Association of Procurement Professionals and determining its organization and functioning.

“Minimum credits”: the least value of courses or trainings that a procurement professional must attend per year

“Minister”: Minister in charge of public procurement

“Precedence order”: order by seniority based on the date of taking oath, for those who took oath the same day, it is order followed at the taking oath

“Procurement procedures”: rules that govern acquisition of goods, construction works or services

“Professional”: qualified person, registered and authorized to practice procurement profession according to the law N° 011/2016 of 02/05/2016 establishing the Association of Procurement Professionals and determining its organization and functioning.

“Relative Majority” refers in a vote to the greatest number of votes obtained for a competitor compared to the other competitors, whatever their number;

Article 2: Scope

These Rules of Procedure shall apply to members of the Association of procurement professionals, to its organs and to members of the organs.

Article 3: Interpretation of these rules of procedure

For the right interpretation of these rules of procedure, provisions must be understood in the spirit of the law N°011/2016 of 02/05/2016 establishing the Association of procurement professionals and determining its organization and functioning.

These internal regulations shall implement the law mentioned in the previous paragraph and supplement where the law is silent.

PART II: ORGANS OF THE ASSOCIATION AND PRACTICE OF PROCUREMENT PROFESSION

CHAPTER I: ORGANS OF THE ASSOCIATION

Section One: General provisions

Article 4: Principle of complementarity and respect of jurisdictions of the organs of the Association

The organs of the Association shall work in complementarity and with respect of respective powers and responsibilities of organs as provided for by the law and these regulations.

Article 5: Guidance on the functioning of the organs of the Association and personnel

The members of organs and staff of the Association shall be guided by the mission of the Association as it is defined by the law establishing the Association of Procurement Professionals and determining its organization and functioning. When accomplishing their duties, they shall consider themselves as members of the Association.

They shall ensure that they act in full compliance with laws of the Republic of Rwanda and these rules of procedure, especially legal provisions related to their duties.

Article 6: Duty of integrity and no discrimination

Members of organs and staff of the Association shall ensure that they have and maintain integrity in decision making and in action. They shall undertake avoidance of being influenced by subjective elements outside objective facts of points to be examined.

No member of the Association, client, and staff member or a third person shall be discriminated against on the basis of race, gender, religion, political adherence, language or age.

Section II: Rules relating to meetings of the General Assembly

Article 7: Invitation for General Assembly

The meeting of the General Assembly shall be convened and chaired by the Chairperson of the association. In his/her absence the meeting shall be convened by the Deputy Chairperson. If the latter is absent, the General Assembly shall be convened and chaired by the Chairperson of the Registration, Evaluation and Education Committee, and if he is absent the General Assembly shall be convened and chaired by the Chairperson of Disciplinary and Inspection Committee. The absence of the President of the Association and his Deputy shall be declared by the decision of the Appeal Committee convened for that purpose by the Chairperson of Disciplinary and Inspection Committee.

The duration of convening meeting of the General Assembly shall be at least fifteen (15) calendar days between the date of the notice convening and the day of the meeting.

Such duration shall not be required for meetings aimed at informing or training meant not to take any decision; and for the meeting of the General Assembly convened urgently to examine a matter imperiling the life of the Association, paralyzing the functioning of its organs or the exercise of the profession, in which case the meeting shall be convened within forty-eight (48) hours.

Convening a meeting shall be brought to the attention of registered professionals by any means of communication determined by the Chairperson of the Association, but ensuring evidence in case of dispute.

The General Assembly shall consider only items on the agenda unless it decides, in accordance with these regulations, to include one or more items in “Any Other Business”.

Article 8: Quorum

Unless otherwise provided by this Regulation, the General Assembly regularly convened shall be held and deliberate validly when the number of members registered on the roll of the Association present or represented is not less than fifty percent (50%) members.

In case the General Assembly cannot take place due to the lack of quorum, members present shall decide on the date of another General Assembly within a period not exceeding 30 days from the date of the missed meeting and shall take place whatever presence rate

Article 9: Modes and majorities for decision making

Subject to provisions provided by these rules of procedure, particularly with regard to the elections, the decisions of the General Assembly shall be taken by consensus of members present or, in default, by the absolute majority of the members present.

In case of transfer of the Headquarters of the Association or the establishment of a branch, the required majority to take a decision shall be 2/3 of the quorum.

Votes shall be conducted by secret ballot or by another means agreed by an absolute majority of the members present. In case of equality of votes, the Chairperson of the meeting shall have the casting vote.

Article 10: Resolutions and minutes of meetings

General Assembly resolutions shall be immediately approved and signed by the Chairperson of the meeting and the Executive Secretary of the Association after reading it before participants to the General Assembly meeting. A register of resolutions shall be kept at the Executive Secretariat.

Each meeting of the General Assembly shall be subject, depending on circumstance, to statement or minutes prepared by the Executive Secretary and submitted for comments to the members present in the General Assembly within five (5) days from the day the meeting ended. Members who attended the meeting of the General Assembly shall give their comments within five (5) working days from the receipt of the draft of minutes. Minutes of the meeting shall be approved by the High Council of the Association in its next meeting. Any delay to release the minutes of the meeting is likely to give rise to disciplinary sanctions against the Executive Secretary of the Association or his/her replacement.

For better provision of secretary services during the General Assembly meeting, the Executive Secretary may be assisted by staff of the Executive secretariat or may outsourced services as it may be needed and if means allows it.

Article 11: Mandatory attendance to the meetings of the General Assembly

Each Member registered on the roll of the Association must personally and promptly participate in the sessions of the General Assembly. A Member of the Association unable to participate because of justified reasons shall, before or upon end of the hindrance, inform the Chairperson of the Association in writing; and give proxy to a colleague who

shall represent him/her to the meeting of the General Assembly, by a letter addressed to the Association. No one shall be allowed to hold more than two proxies.

Unjustified absences as well as delays constitute professional breach punishable pursuant to these Rules of Procedure. Similarly, no one is allowed to be represented by proxy in more than three (3) successive meetings of the General Assembly, unless a motivated dispensation is appreciated and given by the High Council of the Association.

For the purposes of compliance with these requirements, a list of attendance shall be held manually or electronically at the entrance of the venue of the meeting, and shall be signed by each participant upon arrival. Proxies are compulsorily deposited at the headquarters of the Association or sent to its e-mail address at least one day prior to the holding of the meeting except in case of force majeure.

The High Council can decide to grant credit to the participation to the meeting of the General Assembly that shall be taken into account during the evaluation of the continuous training of professionals.

Section III: Rules relating to meetings of the High Council

Article 12: Invitation and agenda for meetings of the High Council

The invitation for meeting shall be sent by all commonly used communication channels, including electronically. Except in emergency case, the invitation for the meeting of the High Council shall be issued at least five (5) calendar days prior to the date of the meeting. In case of emergency, the convening period may be reduced to six (6) working hours.

The invitation shall indicate the venue, time and agenda of the meeting. Any member of the High Council may propose an item in Any Other Business (AOB) on the agenda. In all cases, the agenda shall be approved prior to any deliberation of the High Council.

Except in case of major impossibility approved by the Council, any meeting of this Organ must first be subject to a working document delivered to each participant prior to the meeting.

Article 13: Meetings of the High Council convened on demand

The meeting of the High Council convened at the request of the Executive Secretary or one third (1/3) of its members shall examine only the point on the agenda. For this purpose, anyone who requires convening a meeting of the Council of the Association shall at the same time propose the agenda to the Chairperson, which cannot contain the “any other business”.

Article 14: Quorum and participation in the meetings of the High Council

The quorum for the meeting of the High Council shall be two thirds (2/3) of members.

If the quorum is not reached, a new meeting shall be convened within three (3) calendar days, the minimum period shall be eighteen (18) hours in normal time and six (6) hours in the event of extreme urgency; this new meeting will be held and decide validly if at least three (3) members are present.

Unless a unanimous decision is reached, a decision on any matter before the High Council shall be by majority of votes of the members present and in case of equality of votes, the chairperson shall have casting vote.

The participation to the High Council activities shall be personal charge. Nevertheless, according to the means available within the finances of the Association, the General Assembly may provide otherwise on the proposal of the High Council without modification of these rules of procedures by providing for a lump sum compensation when the High Council meet

The Executive Secretary of the Association shall be the rapporteur of the High Council and, for this purpose; he/she shall have the right to participate in meetings of the High Council without the right to vote.

Article 15: Disclosure of conflict of interests

If a member of the High Council has any interest direct or indirect in any application or other matter which is the subject of consideration at meeting of the High Council, the member shall at the meeting, disclose such to the High Council and shall take no part in the consideration or discussion of or vote on any question with respect to the application or the other matter

CHAPTER II: ELECTIONS

Article 16: Decision for organization of elections

The Organization of each election shall be decided for by the High Council of the Association and brought to the attention of members of the Association of Procurement Professionals at the same time as the invitation for the meeting of the General Assembly for election.

Article 17: Convening the elective Assembly

The Elective General Assembly shall be convened through a letter of the Chairperson of the Association at least fifteen (15) days before the date set for the meeting, and it shall include all useful information about the elections.

Article 18: Filing and approval of applications

Members of the Association fulfilling the requirements of eligibility and wishing to be elected shall express verbally their candidature after the chairperson declares the election opened at the meeting of the General Assembly.

It shall be allowed to members of the Association attending the elective assembly to nominate candidates they wish to be elected. As well it shall be allowed to members to disapprove candidates.

After declaration of candidatures, the General Assembly shall approve the list of candidates and proceed with election operation.

Article 19: Campaign

Approved candidates have the right to campaign by communicating their actions program or manifesto to voters. The program shall focus on the development of the profession and shall respect the honor and dignity of other candidates.

Article 20: Conduct of election operations

The vote shall be carried out through secret ballot except otherwise decided by the voting General Assembly to use any other method. Vote by correspondence shall not be allowed.

Prior to the start of an election, the Chairperson of the General Assembly shall designate at least four (4) assessors who are approved by the General Assembly. After the vote, he/she declares closed the poll and requests appointed assessors to carry out the counting of the ballots and verification of the conformity between the number of voters and the number of ballots. It shall then be proceeded with the counting. Blank or spoiled ballots are not counted among the votes.

The following ballots shall be considered to be void: incomplete ballots, those including more names compared to the number of candidates to be elected, those including names of ineligible members or persons who are not members of the Association.

In case of similar names of more than one candidate, the first and last names must be specified, failure to which the ballots shall be invalid. However, a ballot with a misspelled name is not null if the will of the voter appears obvious and does not cause confusion between targeted candidates.

Only the Chairperson of the General Assembly shall proclaim the results and order their publication.

Article 21: Election of the Chairperson and Deputy Chairperson of the Association

The Chairperson of the Association shall be elected by absolute majority of suffrage.

Article 22: Requirements for eligibility of the Chairperson and the Deputy Chairperson of the Association

In order to be elected Chairperson and Deputy Chairperson of the Association, the candidate shall fulfill at least the following conditions:

1. being enrolled on the register of the Association in the category of senior procurement professional for at least two (2) years. This shall not apply for the first election of the High Council Members.
2. having never incurred any disciplinary sanction during the last five (5) years;
3. having never been subject to the sanction of removal from the roll, even when rehabilitated;
4. having never been dismissed for indiscipline from any employment.

Article 23: Election of members of the committees

The members of the committees are elected by a relative majority of universal suffrage.

Article 24: Election of the Chairperson, the Vice Chairperson and rapporteur of a Committee of the Association

Under the supervision of appointed assessors, members of the committee shall be elected by the General Assembly. They shall be elected by a relative majority.

Article 25: Requirements for eligibility of the Chairperson, the Vice Chairperson and rapporteur of a Committee of the Association

In order to be elected Chairperson, Vice Chairperson and the rapporteur of a Committee of the Association, the applicant shall meet at least the following conditions:

1. being enrolled on the register of the Association in the category of senior procurement professional. This shall not apply for the first election.
2. having never incurred any disciplinary sanction during the last five (5) years;
3. having never been subject to the sanction of removal from the roll, even when rehabilitated;
4. having never been dismissed for indiscipline from any employment

Article 26: Replacement of a member of the High Council or a Committee of the association

In case of resignation of a member of the High Council or Committee of the Association, or departure for any reason whatsoever before the expiry of his/her term of office, the replacement shall be made in the next General Assembly. His/her successor elected on this occasion shall complete the remaining period for the term to end.

PART III: PRACTICE OF THE PROFESSION

CHAPTER ONE: REGISTRATION AND CATEGORIZATION

Section One: Registration

Article 27: Application for Registration

A person fulfilling the requirements provided by the law establishing the Association of Procurement Professionals and determining its organization and functioning may apply for registration to be member of the Association of procurement professionals and shall use the form prescribed by the Association.

The application shall be accompanied by the proof of payment of prescribed fees for registration and certified copy or copies of documents testifying academic or professional qualifications and other such documents containing information as it may be required by the Association.

The application fees shall be determined by the High Council.

Article 28: Oath

After approval of the application and prior to enrollment, the applicant shall take the following oath before the High Council of the Association upon request by the Chairperson of the Association:

“I,.....

swear to the Nation :

1° to respect the Constitution;

2° to comply with the Law;

3° to manage procurement with, integrity, dignity, conscience, independence and humanity;

4° not to be disrespectful to the Association and public institutions;

Should I fail to honour this oath, may I face the rigours of the Law.”

Members of the High Council shall take the oath before the General Assembly

Article 29: Roll of procurement professionals

The Executive Secretary shall, as soon as practicable after the adoption of these regulations prepare and thereafter maintain a roll to be called the roll of procurement professionals. The roll shall be divided into three categories of professionals as provided in the law establishing the association of procurement professionals and these rules of procedure. It shall contain names, the date of the entry in the procurement profession and address of every person registered under the very law following the seniority order.

Article 30: Registration certificate

The Association shall issue a registration certificate to every professional registered under the law establishing the Association of Procurement Professionals and determining its organization and functioning.

Article 31: Professional license

No person shall engage in the practice of the procurement profession unless he has been dully issued a professional license by the Association.

The professional license shall be issued for a validly registered professional who has paid mandatory annual contribution and who has completed minimum hours of training within the framework continuing training program organized by the Association, as well as any other condition relating to issuance of license that may be decided by the General Assembly.

Article 32: Duration of the validity of professional license

The professional license shall be valid for a period of one year on the expiry of which, the professional must renew the license otherwise he shall be omitted from the roll.

Each member of the Association shall renew the professional license not later than 31st March of each year

Article 33: Annual Subscription Fees

Annual Subscription fees prescribed by General Assembly shall be applicable for all classes of membership. The annual subscription fees shall be payable every year no later than 31st March or other date prescribed by the General Assembly. These fees shall be non-refundable in any case.

Article 34: Update of the roll

Each year the Registration, Evaluation and Education Committee shall insure that the roll contains only professionals who have been issued the professional license.

New applications shall be submitted in the second month of each financial year quarter

Section II: Categories of professionals

Article 35: Assistant procurement professional

The Assistant procurement professional category shall be set to accommodate persons with University or professional qualification, as provided by the Law N° n°011/2016 of 02/05/2016 establishing the Association of Procurement Professionals and determining its organization and functioning who intend to practice procurement profession.

Article 36: Procurement professional category

The procurement professional category shall be the intermediate category of procurement professionals in the Association and it shall be set to accommodate all professionals who fulfill requirements provided for by the Law establishing the Association of Procurement Professionals and determining its organization and functioning with professional qualification in procurement recognized by APP, and have a proven continuous experience of two years in the field of procurement as indicated in the previous article.

Article 37: Senior procurement professionals category

The category of senior procurement professionals shall be set to accommodate all professionals who fulfill the requirements provided for by Law establishing the Association of Procurement Professionals and determining its organization and functioning with professional qualifications in procurement recognized by APP have and proven continuous experience of five (5) years in procurement and, have published at least two (2) papers relating to procurement in scientific journal or the Association journal.

An ad hoc committee shall be appointed to approve papers before the publication in the Association journal.

CHAPTER II: CONTINUOUS EDUCATION IN PROCUREMENT

Article 38: Mandatory annual training

Each professional shall complete a minimum of credits indicated in the Association Continuous Professional Development Policy per year. For this purpose he shall attend courses of his choice from the training calendar approved by the High Council.

He shall bear the costs of training unless the High Council decides otherwise upon the proposal of the Registration, Evaluation and Education Committee to attend certain courses.

Article 39: Needs assessment

The Registration, Evaluation and Education Committee shall assess on regular basis needs in continuous education in procurement, prepare and submit for approval training calendar to the High Council.

Article 40 Publication of training calendar

The training calendar approved by the High Council shall be published on 15th January each year by the Association.

As much as possible the calendar shall indicate courses, respective dates and trainers.

CHAPTER III: CONDUCT AND PROFESSIONAL ETHICS

Article 41: Guiding principles

During the exercise of the profession, the professional shall among others:

- 1° Act with respect of laws, regulations and client needs;
- 2° Act with respect of the client property;
- 3° Prevent and resist against corruptive proposals;
- 4° Be respectful of stakeholders in procurement process;
- 5° act with transparency in making decision and
- 6° Act with accountability in the management of client resources;
- 7° Act with honesty;
- 8° Act with diligence and uprightness in the exercise of his/her duties;
- 9° Put client interest before personal interests.

Article 42: Ethical Values

The ethical values include among others that:

- 1° Procurement professionals shall always act in a way to uphold the trust of stakeholders;

- 2° Procurement professionals shall arrange their private affairs so that they cannot affect the confidence and trust of the public in their clients;
- 3° Procurement professionals, when fulfilling their professional duties, shall make decisions in an accountable manner;
- 4° Procurement professionals shall seek for assistance and advice from qualified individuals before making decisions, if necessary;
- 5° Procurement professionals shall look for help and seek advice of a senior professional before making decisions if necessary;

Article 43: Prevention of fraud and other malpractices

When performing their duties, procurement professionals shall avoid to:

- 1° Act in a manner preventing the client from getting benefits of free and open competition;
- 2° Enter into business arrangements that might prevent the effective operation of fair competition;
- 3° Engage in deceptive financial practices, such as bribery, double billing or other improper financial practices;
- 4° Engage in misrepresentation of facts in order to influence a procurement process or the execution of a contract to the loss of the client.

In performing their duties, procurement professionals shall abstain from any conduct which could be interpreted as bribery or act of corruption.

Article 44: Confidentiality

Without prejudice to pertinent provisions regarding transparency of decisions or recommendations, it shall be prohibited for members of organs of the Association and members of staff to transmit confidential information to any person other than the person to whom this information is intended, unless authorized or required by law.

They shall be bound by confidentiality of information identified as such even after leaving the Association. They shall have the diligence and discretion to prevent any use of information which would violate confidentiality.

They shall take appropriate measures to secure preservation of all documents in print or electronic containing confidential information; avoid any discussion or conversation with others about confidential matters, to avoid any transfer of confidential information unsecured.

It is forbidden to communicate to anyone an information directed to the public before the official publication of that information.

CHAPTER IV: DISCIPLINARY PROCEDURES FOR PROCUREMENT PROFESSIONALS

Article 45: Sanction for unjustified absence

The absence to the General Assembly without a valid justification communicated to the High Council, in writing, at least 2 days in normal situations and any time before the meeting, in emergency situations, and accepted shall be sanctioned upon the decision of the Disciplinary Committee by one or more of the following:

1. To pay the fine as per the incumbent lost;
2. Lose the credits already acquired previously;
3. Temporary suspension;
4. Exclusion from the Association

Article 45: Sanction for breach of professional obligations

Any breach by a member of the Association of his/her duties and obligations prescribed by the Law establishing the Association of Procurement Professionals and determining its organization and functioning or by these rules of procedure, shall constitute professional transgression and, depending on circumstances and the magnitude of consequences on the profession, the Association or on a client shall lead to a sanction against the transgressor.

Article 46: Proportionality of sanctions

Sanctions shall be decided basing on the extent of damages caused by the breach of professional rules and shall be proportional to the level of knowledge, training and experience of the offender.

Article 47: Warning

Warning shall be imposed to a professional who has committed one of the following faults and has caused loss or damage to employer or client estimated to a value not exceeding five hundred thousand Rwandan francs (Rwf 500,000):

- 1° deliberate breach of laws and regulations that lay down by procurement procedures;
- 2° misappropriation of funds or any property entrusted to him/her by employer or client;
- 3° deliberate acquisition of goods, works, or services for his/her employer or client at overestimated prices;

4° deliberate failure to keep properly records of all transactions undertaken by him/her in the course of his/her duties;

5° disclosure of information acquired in the course of his/her duties to any person without the consent of his/her employer or client or otherwise when required by law;

6° involvement in any corrupt practice and other related crimes;

7° engagement in activities conflicting with those of his/her employer or client or activities contrary to the Law establishing the Association of Procurement Professionals and determining its organization and functioning;

8° being found guilty of fraud or a dishonest act;

9° provision of opinion based on undocumented information;

10° failure to keep funds of a client in a separate bank account or use any such funds for purposes for which they are not intended.

Article 48: Reprimand

Reprimand shall be imposed to a professional who has committed one of the following faults and has caused loss or damage to employer or client estimated at a value above five hundred thousand Rwandan francs (Rwf 500,000) but below one million Rwandan francs (Rwf 1,000,000).

1° deliberate breach of laws and regulations that lay down by procurement procedures;

2° misappropriation of funds or any property entrusted to him/her by employer or client;

3° deliberate acquisition of goods, works, or services for his/her employer or client at overestimated prices;

4° deliberate failure to keep properly records of all transactions undertaken by him/her in the course of his/her duties;

5° disclosure of information acquired in the course of his/her duties to any person without the consent of his/her employer or client or otherwise when required by law;

6° involvement in any corrupt practice and other related crimes;

7° engagement in activities conflicting with those of his/her employer or client or activities contrary to the Law...;

8° being found guilty of fraud or a dishonest act;

9° provision of opinion based on undocumented information;

10° failure to keep funds of a client in a separate bank account or use any such funds for purposes for which they are not intended; and.

Recidivism of offences sanctioned by warning

Article 49: Written reprimand

Written reprimand shall be imposed to a professional who has committed one of the following faults and has caused loss or a damage to employer or client estimated at a value above one million Rwandan francs (Rwf 1,000,000) but below one million and five hundred Rwandan francs (Rwf 1,500,000).

1° deliberate breach of laws and regulations that laid down by procurement procedures;

2° misappropriation of funds or any property entrusted to him/her by employer or client;

3° deliberate acquisition of goods, works, or services for his/her employer or client at overestimated prices;

4° deliberate failure to keep properly records of all transactions undertaken by him/her in the course of his/her duties;

5° disclosure of information acquired in the course of his/her duties to any person without the consent of his/her employer or client or otherwise when required by law;

6° involvement in any corrupt practice and other related crimes;

7° engagement in activities conflicting with those of his/her employer or client or activities contrary to the Law...;

8° being found guilty of fraud or a dishonest act;

9° provision of opinion based on undocumented information;

10° failure to keep funds of a client in a separate bank account or use any such funds for purposes for which they are not intended; and

Recidivism of offence sanctioned by reprimand

Article 50: suspension for a period between three months and one year

Suspension for a period between three months and one year shall be imposed to a professional who has committed one of the following faults and has caused loss or a

damage to employer or client estimated at a value above one million five hundred thousand Rwandan francs (Rwf 1,500,000)

1° deliberate breach of laws and regulations that lay down by procurement procedures;

2° misappropriation of funds or any property entrusted to him/her by employer or client;

3° deliberate acquisition of goods, works, or services for his/her employer or client at overestimated prices;

4° deliberate failure to keep properly records of all transactions undertaken by him/her in the course of his/her duties;

5° disclosure of information acquired in the course of his/her duties to any person without the consent of his/her employer or client or otherwise when required by law;

6° involvement in any corrupt practice and other related crimes;

7° engagement in activities conflicting with those of his/her employer or client or activities contrary to the Law...;

8° being found guilty of fraud or a dishonest act;

9° provision of opinion based on undocumented information;

10° failure to keep funds of a client in a separate bank account or use any such funds for purposes for which they are not intended; and

Recidivism of offence sanctioned by written reprimand

Article 51: Removal from the register of the Association

The High Council of the Association removes a procurement professional from the list of procurement professionals where:

1° he/she fails to pay his/her subscription fees;

2° he/she has been convicted by a court of competent jurisdiction in Rwanda, or elsewhere, of an offence involving fraud or dishonesty, money laundering or corruption and other related offences and sentenced to imprisonment for a period beyond six (6) months.

3° he/she is an undischarged bankrupt; 4° he/she suffers from a permanent mental disability certified by a registered medical practitioner;

4° there is recidivism after his/her suspension for a disciplinary fault.

Article 52: Exception pertaining particular statutes

Without prejudice to provisions of the law establishing the Association of Procurement Professionals and determining its organization and functioning, professionals whose work is under other statutes in addition to the the said law and these rules of procedures, where sanction is different from the one in these rules against the same offense, the sanction provided by such statutes shall be applied by the Association against the offender instead of sanction provided by these rules.

In any case, the Disciplinary Committee shall insure that a professional is suspended or removed from the roll of professionals until rehabilitation when the same happens to that professional in application of particular statutes and when the related sanction is final. In the same line, the Disciplinary Committee shall insure that the suspension period does not exceed the maximum prescribed by the particular statutes against the same offender.

CHAPTER V: PROVISIONS REGARDING MANAGEMENT AND AUDIT

Section One: Financial Management

Article 53: Procedure for the financial management

The daily management of the Association's assets shall be done according to its manual of Procedures adopted by the General Assembly. The Manual shall reflect the spirit of provisions of these rules of procedures and best practices of management and include specific provisions concerning:

1. accounting and financial procedures
2. administrative and human resources management procedures;
3. procedures for auditing;
4. Procedures for procurement.

This Manual must be regularly updated to reflect the needs of the Association and the requirements for accurate management.

Article 54: Strategic plan of the Association

The Association shall regularly establish a strategic plan and andaction plan adopted by the General Assembly to guide its activities. The proposals for the strategic plan and action plan shall be elaborated by the Executive Secretary who may be assisted, by external experts.

Article 55: Effects of the strategic and action plans

Operational plans, budget, programs and projects, adopted by competent organs must concur to achieving the strategic plan of the Association.

On the basis of the strategic plan, the action plan, programs and budget adopted, the High Council and the Executive Secretariat shall conclude a performance contract for the year.

Article 56: Annual operational planning

The operational management shall be made according to the action plan and the annual budget.

These predictive tools shall be adopted by the competent organs at least fifteen (15) days before the beginning of the financial year.

The adoption of the strategic plan, the action plan and the budget shall automatically give delegation to the Executive Secretariat to implement them using all financial, human, technological and material means necessary for their implementation.

If necessary, the Executive Secretariat shall have the guidance from the High Council of the Association on the strategies to be implemented for the achievement of annual plans.

Article 57: Exceptional activities and expenses

Unforeseen activities and expenses are authorized by the High Council of the Association by reallocation of the budget line or budget review without exceeding the amount of the budget approved by the General Assembly.

Article 58 Follow-up of the strategic plan and the action plan

Each financial year, an evaluation report of the realization of the strategic plan, operational plan and budget must be produced and submitted to the relevant organs to serve as a basis for planning the upcoming year. Comments of various organs shall allow the correction of discrepancies and the integration of new data during the annual planning.

Article 59: Adoption of the budget

The budget of the Association shall be prepared and submitted to the General Assembly on adequate time and before the beginning of the financial year to which they relate.

Article 60: Annual financial reports

The financial year starts on the first day of January and ends on the thirty first December each year.

At the end of each financial year, the Executive Secretary of the Association and the Account of the Association shall establish a draft of the annual report comprising a report of achievements of the Association and financial statements, as well as a draft budget for the following year. They shall submit these documents to the High Council of the

Association for adoption before submitting them to the external auditor. These documents are presented to the General Assembly for approval.

Article 61: Information to the High Council

The Executive Secretary shall inform quarterly or any time where necessary the High Council of the Association on the status of implementation of the budget and the action plan, the implementation of findings and recommendations of the audit reports and, the general functioning of administrative services of the Association.

The High Council of the Association shall make its observations and recommendations to the Executive Secretary and monitor their implementation.

Article 62: Payment of invoices

Invoices for any kind of acquisition or service shall be paid in good faith within the timeframe predetermined in the contract.

Section II: Audit

Article 63: Auditing the management of the Association

The management of the Association shall be audited by the internal and external auditors.

The internal auditor and external auditors shall perform their mandates in accordance with internationally recognized accounting standards of quality.

Article 64: Internal audit report

The internal auditor shall prepare a report of each audit executed and submit it to the High Council of the Association. The internal auditor shall report to the High Council of the Association the key findings, recommendations as well as the status of their implementation.

Article 65: External Audit

The external auditor shall be chosen by the General Assembly upon the proposal of the High Council of the Association. He/she shall have an unlimited power to audit all operations of the Association and shall report to the General Assembly at its annual meeting or any other meeting to be convened for this purpose.

***PART IV: PROVISIONS RELATED TO THE SOCIAL WELFARE OF MEMBERS
AND SOCIETAL WELLBEING***

Article 66 : Welfare Matters

The Association shall encourage and endorse all matters that seek to enhance the welfare of members.

Welfare matters shall include but not limited to the following: Weddings; Employment Seeking; Job Placement; Entrepreneurship opportunities and promotion; giving due recognition to members; medically approved incapacitation of a member; and Death of a member.

Article 67 : Procedure for Notification and Attendance

A member on his/her own behalf or another member shall notify the President of the High Council and copy the appropriate committee(s) in writing of his welfare need(s);

The High Council shall appoint a delegation of suitable number of members to represent the Association in such matter, including those from of the requisite committee(s);

The High Council shall encourage members to attend or visit, on such aforesaid matters;

All such matters shall be communicated to the next General Assembly.

The next General Assembly next following shall determine the cash benefit to be given to the severely incapacitated member and deceased of a member;

The High Council shall encourage individual goodwill or donations of members in addition to above.

Article 68: Recreation and Social Events

The Association shall, through its High Council formulate recreational programs and social events as a social welfare and health component of the Association's strategic and action planning. Such activities shall be contributed to by members, following the General Assembly's direction.

Article 69: Contribution to Societal Wellbeing

In addition to its societal contributions in community work programs (umuganda) and the Association week, the Association shall, through its High Council, formulate programs and events that contribute to societal wellbeing as well as national poverty reduction strategies; encouraging members to actively participate in all parts of the country and the

region. Such activities shall be contributed to by members, following the General Assembly's direction.

PART IV: VARIOUS PROVISIONS RELATING TO ORGANIZATION AND FUNCTIONING OF THE EXECUTIVE SECRETARIAT AND STAFF

Section One: Organization and functioning of the Executive Secretariat

Article 70: Executive Secretariat

In addition to responsibilities assigned to him by the law establishing the Association of procurement professionals and determining its organization and functioning, the Executive Secretariat assists on daily basis the Chairperson of the Association, the High Council of the Association as well as the Committees for the accomplishment of the mission of the Association.

The Executive Secretariat shall be led by an Executive Secretary, assisted by the staff recruited and hired by the High Council of the Association according to the needs and available resources.

Article 71: Management of the Executive Secretariat

The Executive Secretary sets up a management committee for the day-to-day activities of the Association in taking into account the services of the Executive Secretariat.

The meeting of the Management Committee shall be convened and chaired by the Executive Secretary or, in the absence thereof, the Acting Executive Secretary of the Association.

The Management Committee shall meet at least once a month to discuss all issues concerning the management and daily operations of the Association. It shall also meet whenever circumstances require it.

Items for discussion in the meeting shall be included in the agenda that shall be prepared by the the Executive Secretary three days prior to the meeting. Routine matters and simple communications could be added to the agenda until the start of the meeting.

The Executive Secretary shall approve the agenda or insert amendments in agreement with concerned officials no later than the start of the meeting. Beyond this time limit, no item can be added to the agenda, unless otherwise approved by the Executive Secretary.

Except for urgent matters, all documents intended to support discussions and decisions to be made by the Management Committee shall be distributed to the members of the Management Committee at least three days before the meeting.

Meetings of the Management Committee shall have minutes signed by the Executive

Secretary and the Administrative Assistant of the Committee after approval by the latter. The minutes shall make brief mention of discussed items and taken decisions.

Article 72: Quorum for the management committee

The quorum required for the Management Committee to meet and take legal decisions shall be at least two third (2/3) of its members.

Article 73: Invitation of resourceful person in the Management Committee meetings

The Management Committee may invite in its meeting any person from whom it may seek advice on certain issues on the agenda. But the person shall not be allowed to participate in decision taking.

The invitee shall not be allowed to follow debates on other issues on the agenda.

Article 74 : Implementation and follow up of decisions

The decisions of the Management Committee shall be implemented by its member in charge of the duties that match with the decision to be implemented. However for the purpose of speeding up the implementation, the Executive Secretary may instruct another employee not in charge to implement a decision.

The Executive Secretary shall follow up the implementation of the decisions made by the Management Committee.

Decisions taken by the Management Committee shall be communicated to the Chairperson of the Association.

Article 75: Sitting allowances

A member of the High Council or of one of the Association committees attending a convened meeting of that organ shall be given sitting allowances to be determined by the High Council and Approved by the General Assembly

Article 76 : Internal reporting

Each employee of the Executive Secretariat shall provide a monthly report to Executive Secretary intended at evaluating and improving the execution of the annual action plan. The report shall contain activities achieved during the month.

Section II: Recruitment of staff

Article 77: Principles for recruitment

The recruitment shall be conducted through competition and in the case of vacancies duly approved by decision of the High Council of the Association only. The practical terms of recruitment, duties, rights and obligations, as well as the management of the career of the staff are determined by the High Council. The Executive Secretary shall be entitled to sign contracts of employment for all staff of the Association after approval of the recruitment by the High Council.

In selecting employees, the Association shall give primary consideration to the necessity to obtain staff of the highest standards of competence and integrity.

The Executive Secretary shall provide, as far as possible, for an equitable allocation of jobs of the Association and balanced gender representation, in particular as regards senior management functions.

Article 78: Publication of recruitment notice and shortlisting

At least three weeks before the selection procedure is initiated, a vacancy notice shall be published internally and externally as it may be needed. This notice shall describe the functions to be performed, and the salary and other advantages attached to the functions, the conditions to be met by the candidates, the documents to be provided in support of the applications and the deadline for filing the applications.

Article 79: Provisions regarding ethics of staff

Any member of staff shall:

1. perform his/her duties with honesty, loyalty, good faith, skill, prudence, diligence, efficiency, dedication, fairness, impartiality and integrity;
2. refuse any gift, favor, invitation or advantage which could affect the impartiality with which he/she should perform his/her duties;
3. assume with motivation, availability and thoroughness professional activities;
4. prevent conflicts of interest and perform duties in the exclusive purpose of serving the interest of the client and the interest of promoting procurement profession;
5. not use for his benefit or the benefit of third parties any information obtained during the performance his/her duties and, basing on rules of the client, are not accessible to the public;

6. declare before his involvement in handling a case, personal interest in any matters being considered by him and, where appropriate, abstain from participating in the process of the case;
7. refuse any favoritism or nepotism;
8. seek for necessary information for adequate examination of the case ;
9. ensure motivation, clarity and accuracy of decisions or recommendations;
10. have a culture of continuous evaluation of his action and ensure compliance with the responsibilities and the dignity of the Association;
11. demonstrate consideration of all persons with whom he/she interacts in performing his/her duties;
12. demonstrate courtesy, listening and discretion vis-à-vis external persons he/she meets while performing his/her duties;
13. adopt attitude of courtesy, respect and openness, to ensure productive exchanges, fruitful cooperation and mutual trust ;
14. act with fairness and avoid any abuse;
15. encourage and develop any measure that promotes transparency of the functioning of the Association and the practicing of the profession of procurement management;
16. abstain from interfering with the exercise of an internal or external control by officers to whom the task has been entrusted.

Section III: Communication and correspondences

Article 80: Official communication in the Association

Official communication within the Association shall be made in writing or electronically. Any communication relating to the transmission of written documents from the outside must be written or by a transmission sheet set up by the secretariat, or by a memo. The transmission of non-electronic messages shall be registered in a book designed for this purpose.

Communication issued by several services or agents shall be made jointly by its issuers. The transmission book shall mention issuer(s), transmitter (s), recipient, subject and date of transmission.

Transmission of internal correspondence shall be assured by correspondents themselves.

Article 81: Incoming and outgoing correspondences

All correspondences from outside shall enter into the secretariat through the reception. Receptionist shall record, number, and mark the date of reception and forward correspondence to the Executive Secretary. For the exit, correspondence shall use reverse direction to that of entry.

Transmission procedures shall be put in place by the responsible of the secretariat of the Executive Secretary after consultation with other services.

PART IV GENERAL AND FINAL PROVISIONS

Article 82: Validation of acts performed by the interim organs before the adoption of these rules

All legal and administrative acts undertaken before the adoption of these internal regulations respecting the spirit of the law N° 011/2016 of 02/05/2016 establishing the Order of Procurement Professionals and determining its organization and operation, shall be considered legally valid and shall have full effect.

Article 83: Powers of the Interim Chairperson, the Deputy and the High Council

The Interim High Council elected on 31st January 2017, the Chairperson and Deputy Chairperson shall have the powers provided for by the law establishing the Association of Procurement Professionals and determining its organization and functioning and these regulations until the first elections are held under these regulations.

Article 84: First elections under these regulations

The first elections under these regulations shall be held within a period not exceeding six months of the commencement of these regulations.

Article 85: First issuance of Professional license

After the expiry of six months no person shall be practicing the procurement profession under the law establishing the Association of Procurement Professionals and determining its organization and functioning and these regulations without possessing a professional license

Article 86: Commencement

These rules come into force and take effect on the date of adoption by the General Assembly.