
Construction procurement —
Part 1:
Processes, methods and procedures

Marchés de construction —

Partie 1: Processus, méthodes et procédures

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ISO 10845-1:2020

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Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT), see www.iso.org/iso/foreword.html.

This document was prepared by Technical Committee ISO/TC 59, *Buildings and civil engineering works*, Subcommittee SC 18, *Construction procurement*.

This second edition cancels and replaces the first edition (ISO 10845-1:2010), which has been technically revised.

The main changes compared to the previous edition are as follows:

- definitions and parts of the text have been revised, updated and aligned with other parts of the ISO 10845 series to ensure consistency in concepts and terms;
- the considerations in the development of a procurement policy and provisions for framework agreements have been expanded;
- provisions for a confined market selection procedure and design competitions have been added;
- the informative annexes relating to best value procurement and adjudication procedures to challenge decisions have been withdrawn;
- informative annexes have been substantially revised and two informative annexes addressing differences between categories of procurement and sustainable procurement in construction works contracts have been added.

A list of all parts in the ISO 10845 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

Introduction

Procurement is the process which creates, manages and fulfils contracts. There are accordingly three phases to the procurement process associated with the delivery and maintenance of construction works, namely:

- a planning phase during which decisions are made as to what, where and when goods and services are required, how the market is to be approached and what is the number, type, nature and timing of the required contracts;
- an acquisition phase during which contracts are entered into following the execution of a selection procedure; and
- a contract management (or contract administration) phase during which compliance with requirements, changes in requirements and risk events which manifest during the execution of contracts are managed.

Procurement activities commence once the need for procurement is identified and end when the transaction is completed. There are six principal activities associated with the procurement process, namely:

- a) establish what is to be procured;
- b) decide on procurement strategies in terms of packaging, contracting and targeting strategy and selection method;
- c) solicit tender offers;
- d) evaluate tender offers;
- e) award contract;
- f) administer contracts and confirm compliance with requirements.

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Methods, procedures and operational policies are required to implement these principal activities. There is a finite range of methods and procedures associated with the various procurement sub-processes which can be standardized around a set of system objectives.

This document provides a framework around which public, private and international organizations can develop their procurement systems to achieve fair competition, to reduce the possibilities for abuse and to improve predictability in procurement outcomes. It achieves this through the establishment of standard rules for a wide range of procedures and methods and the limits of discretionary powers in the absence of specific requirements for the management and control of the system. Accordingly, any procurement system developed in terms of this document can be managed and controlled by a range of flexible oversight structures or designated persons. Compliance with the aforementioned system requirements can be readily established by merely auditing processes, procedures and methods for compliance with this document and an organization's procurement policy.

Guidance on the application of certain clauses of this document is provided in [Annex A](#). Differences between categories of procurement are indicated in [Annex B](#). Generic procurement processes are described in [Annex D](#). Guidance is provided on sustainable procurement in construction works contracts ([Annex C](#)), the establishment of a procurement system and the management of procurement processes ([Annex E](#)), standard selection methods ([Annex F](#)) and targeted procurement procedures ([Annex G](#)). Suggested auction data is provided in [Annex H](#).

Standardization, apart from removing technical barriers to trade, enables

- those engaged in procurement activities to perform their duties, within the confines of their organization's procurement policy, in a uniform and generic manner;
- procurement documents to be readily compiled in a uniform and generic manner; and

— curricula to be developed to capacitate those engaged in a range of procurement activities.

Furthermore, it allows governments to readily develop an internal procurement-skills base, which is not lost when members of staff move between different departments or levels of government or organizations.

This document is part of a series of International Standards entitled “construction procurement” which covers various aspects of procurement encountered within the construction industry. Each part of the series relates to a different aspect of procurement. The objective of ISO 10845 (all parts) is to provide a generic and standard set of processes, procedures and methods for a procurement system that is fair, equitable, transparent, competitive and cost-effective and which can be used to promote objectives additional to those associated with the immediate objective of the procurement itself.

ISO 10845 (all parts) is especially relevant for developing countries that lack experience and instruments in this field and can be used to improve international trade.

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Construction procurement —

Part 1: Processes, methods and procedures

1 Scope

This document describes processes, methods and procedures for the establishment within an organization of a procurement system for goods, services, and construction works or disposals, or any combination thereof that is fair, equitable, transparent, competitive and cost-effective. This document

- a) describes generic procurement processes around which an employer can develop its procurement system,
- b) establishes basic requirements for the conduct of an employer's employees, agents, board members and office bearers when engaging in procurement,
- c) establishes the framework for the development of an employer's procurement policy, including any secondary procurement policy, and
- d) establishes generic methods and procedures for procurements, including those pertaining to disposals.

This document provides a generic and standard set of processes, procedures and methods for a procurement system which can be applied by both the public and private sector organizations in the development of their procurement system. The principles contained in this document can also be applied down the supply chain.

This document enables organizations to develop in the first instance a generic procurement system and then to identify the methods and procedures best suited to particular categories of procurement.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <http://www.electropedia.org/>

3.1

acceptance

act of agreeing to a *contractor's* (3.9) offer or tender, thereby creating a binding *contract* (3.7)

[SOURCE: ISO 6707-2:2017, 3.5.16]

**3.2
agent**

person or *organization* (3.21) that is not an employee of the *employer* (3.15) and that acts on the employer's behalf

**3.3
bill of quantities**

document for tendering, usually prepared in a standard form, comprising both a descriptive list of quantities of works and descriptions of the materials, workmanship and other matters required for construction works

[SOURCE: ISO 6707-2:2017, 3.5.11, modified — The preferred term "bill of materials, US" and the admitted term "quantity survey, US" have been removed.]

**3.4
bond**

sum of money or securities submitted to the *employer* (3.15) or placed in the hands of a third party to guarantee completion and recovery of the sums which the *contractor* (3.9) is recognized as owing under the terms of *contract* (3.7)

[SOURCE: ISO 6707-2:2017, 3.5.40, modified — "client" has been replaced with "employer".]

**3.5
conditions of contract**

terms that collectively describe the rights and obligations of contracting parties and the agreed procedures for the administration of their *contract* (3.7)

**3.6
conflict of interest**

situation in which someone in a position of trust has competing professional or personal interests which make it difficult for the person to fulfil the duties impartially, an individual or *organization* (3.21) is in a position to exploit a professional or official capacity in some way for personal or for corporate benefit, or incompatibility or contradictory interests exist between an employee and the organization which employs that employee

**3.7
contract**

legally enforceable agreement to supply goods, carry out construction works and/or provide services

[SOURCE: ISO 6707-2:2017, 3.1.1]

**3.8
contract data**

document that identifies the applicable conditions of a *contract* (3.7) and states the associated contract-specific data

**3.9
contractor**

person or *organization* (3.21) that contracts to supply goods, carry out construction works and/or provide services

Note 1 to entry: The use of the generic term "contractor" eliminates the need to introduce the terms "service provider" and "supplier" as it has been defined to cover these terms.

Note 2 to entry: The definitions for "employer" and "contractor" are such that relevant subclauses of this document can be applied at any point in the supply chain. For example, in a contract, a "contractor" can be an "employer" and a "contractor" can be a "subcontractor".

3.10**corrupt practice**

offering, giving, receiving or soliciting of anything of value to influence the action of the *employer* (3.15) or his staff or *agents* (3.2) in the *procurement* (3.24) process or the administration of the *contract* (3.7)

3.11**cost plus contract**

cost reimbursement contract (3.12) under which the *contractor* (3.9) is paid for their actual expenditure plus a percentage or other sum as previously agreed

[SOURCE: ISO 6707-2:2017, 3.4.11]

3.12**cost reimbursement contract**

contract (3.7) based on costs expended

[SOURCE: ISO 6707-2:2017, 3.4.10]

3.13**electronic auction**

repetitive process involving an electronic device for the presentation of new prices, revised downwards or new values concerning certain elements of tenders (or both), and which occurs after an initial full evaluation of the tenders, enabling them to be ranked using an automatic evaluation method

3.14**eligibility criteria**

criteria framed around the ability of a *respondent* (3.28) or *tenderer* (3.39) to provide the required goods, services and construction works or disposals or any combination thereof, which need to be satisfied in order for a submission to be evaluated

3.15**employer**

person or *organization* (3.21) intending to or entering into a *contract* (3.7) with the *contractor* (3.9) to supply goods, carry out construction works and/or provide services

Note 1 to entry: The definitions for “employer” and “contractor” are such that relevant subclauses of this document can be applied at any point in the supply chain. For example, in a contract, a “contractor” can be an “employer” and a “contractor” can be a “subcontractor”.

3.16**expression of interest**

request for *respondents* (3.28) to register their interest in undertaking a specific *contract* (3.7) or to participate in a *project* (3.26) or programme and to submit their credentials so they can, in terms of the *employer's* (3.15) *selection methods* (3.31), be invited to submit a *tender offer* (3.38) should they qualify or be selected to do so

3.17**framework agreement**

agreement between an *employer* (3.15) and a *contractor* (3.9), the purpose of which is to establish the terms governing *orders* (3.20) to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged

3.18**fraudulent practice**

misrepresentation of the facts in order to influence the tender process, the award of a *contract* (3.7) arising from a *tender offer* (3.38) to the detriment of the *employer* (3.15), including collusive practices intended to establish prices at artificial levels, or the administration of the contract including compensation procedures

3.19

joint venture

two or more *contractors* (3.9) grouped together to carry out work and share the risks, where each is jointly and severally liable for the actions and work of the other

[SOURCE: ISO 6707-2:2017, 3.8.3, modified — “organizations” has been replaced with “contractors”.]

3.20

order

instruction to supply goods, carry out construction works and/or provide services under a *framework agreement* (3.17)

3.21

organization

company, firm, enterprise, association or other legal entity, whether incorporated or not, or public body

3.22

price adjustment

amount to be added or to be deducted from the *contract* (3.7) price in accordance with the terms of the contract by way of allowances for increases or decreases in the costs of labour, plant, materials and/or equipment occurring during the performance of the contract

3.23

principal

owner, partner, director or office bearer

3.24

procurement

process which creates, manages and fulfils *contracts* (3.7) relating to the provision of goods, services and construction works or disposals, or any combination thereof

[SOURCE: ISO 6707-2:2017, 3.5.18] standards.iteh.ai/catalog/standards/sist/676eca36-6165-45e2-9678-2a70efb7ca50/iso-10845-1-2020

3.25

procurement document

documentation used to initiate or conclude (or both) a *contract* (3.7)

3.26

project

contract (3.7) or a series of related contracts or *orders* (3.20)

3.27

quality

totality of features and characteristics of a product or service that bears on the ability of the product or service to satisfy stated or implied needs

3.28

respondent

person or *organization* (3.21) that submits an *expression of interest* (3.16) in response to an invitation to do so

3.29

scope of work

document that specifies and describes the goods, services, or construction works which are to be provided, and any other requirements and constraints relating to the manner in which the *contract* (3.7) work is to be performed

Note 1 to entry: The term “scope of work” is a generic term that may be used to describe that which is commonly referred to in forms of contract and publications as

- a) supply contract: scope, goods information or specifications,

- b) service contract: scope, services information, specifications, scope of services, terms of reference or technical specification, and
- c) construction contracts: works information, production information, specifications, project specifications, specifications, performance requirements, specification of work or scope.

Note 2 to entry: The term “scope of work” is also sufficiently broad to include design and procurement requirements in design and construct, develop and construct and management contract contracting strategies relating to construction contracts (see ISO 10845-2).

3.30

secondary procurement policy

procurement (3.24) policy that promotes objectives additional to those associated with the immediate objective of the procurement itself

3.31

selection method

method by which *tender offers* (3.38) are solicited from the market

3.32

submission data

document that establishes the *respondent's* (3.28) obligations in responding to a call for an *expression of interest* (3.16) and the *employer's* (3.15) undertakings in administering the process of calling for and receiving expressions of interest

3.33

suitable

capable of fulfilling or having fulfilled the intended function, or fit for its intended purpose

3.34

sustainability

state of the global system, including environmental, social and economic aspects in which the needs of the present are met without compromising the ability of future generations to meet their own needs

Note 1 to entry: The environmental, social and economic aspects interact and are interdependent and are often referred to as the three dimensions of sustainability.

[SOURCE: ISO 6707-3:2017, 3.1.2, modified — Note 2 to entry has been removed.]

3.35

target cost contract

cost reimbursement contract (3.12) under which a preliminary target cost is estimated and, on completion of the work, the difference between the target cost and the actual cost is apportioned between the *employer* (3.15) and *contractor* (3.9) on an agreed basis

[SOURCE: ISO 6707-2:2017, 3.4.12, modified — The preferred term “estimated cost contract, US” and the admitted term “percentage contract, US” have been removed; “client” has been replaced with “employer”.]

3.36

targeted procurement procedure

process used to create a demand for the services or goods (or both) of, or to secure the participation of, targeted enterprises and targeted labour in *contracts* (3.7) in response to the objectives of a *secondary procurement policy* (3.30)

3.37

tender data

document that establishes the *tenderer's* (3.39) obligations in submitting a tender and the *employer's* (3.15) undertakings in administering the tender process and evaluating *tender offers* (3.38)

3.38

tender offer

written offer to supply goods, carry out construction works and/or provide services under given conditions, usually at a stated price, and which is capable of *acceptance* (3.1) and conversion into a binding *contract* (3.7)

3.39

tenderer

person or *organization* (3.21) that submits a *tender offer* (3.38)

Note 1 to entry: The terms tender and tenderer have been used in preference to “bid” and “bidder”. The terms “bid” and “bidder” are used in this document in the context of auctions.

3.40

value for money

optimal use of resources to achieve intended outcomes

Note 1 to entry: optimal use of resources results in the most desirable possible outcomes given expressed or implied restrictions or constraints.

4 Establishing a procurement system

4.1 General

4.1.1 Developing and documenting the system

An employer shall develop and document its procurement system.

- a) in a manner which is fair, equitable, transparent, competitive and cost-effective and which may, subject to the policies of an employer and any prevailing legislation, include the promotion of other objectives, in accordance with the requirements of [Table 1](#), and
- b) around a process which commences once the need for procurement is identified, ends when the transaction is completed and includes the attainment of procedural milestones which enable the system to be controlled and managed (see [Annex D](#)).

The employer's executive shall designate persons to undertake the actions associated with the attainment of procedural milestones (see [Annex E](#)).

NOTE [Annex D](#) provides generic procurement processes which incorporate activities linked to procedural milestones. A procurement system can be developed around these generic processes.

4.1.2 Responding to decisions taken

The employer shall provide, upon request, written reasons to respondents and tenderers for any decisions that are taken during a call for an expression of interest and an invitation to tender, but may withhold information which

- a) would not be in the public interest to be divulged,
- b) is considered to prejudice the legitimate commercial interests of tenderers and respondents, or
- c) might prejudice fair competition between tenderers.

Organizations should consider, when developing their procurement systems, how challenges resulting from the outcomes of the tender process should be dealt with.

4.2 Conduct of employees, agents and contractors

4.2.1 Code of conduct

Taking all legal obligations into consideration, the employer shall establish a code of conduct for procurement to regulate the actions of its employees, agents, public office bearers or board members. Such a code shall at least require that these persons

- a) discharge their duties and obligations on time and with integrity,
- b) behave equitably, honestly and transparently,
- c) avoid conflicts of interest and, where a conflict of interest is known, declare and address that conflict,
- d) not maliciously or recklessly injure, or attempt to injure, the reputation of another party, and
- e) not engage in anti-competitive practices.

NOTE ISO 10845-3 deals with the manner in which conflicts of interest are to be dealt with during the process of offer and acceptance. [Annex A](#) provides guidance on how to deal with conflicts of interest in a number of situations.

Table 1 — Basic procurement system requirements

Attribute	Basic system requirement
Fair	The process of offer and acceptance is conducted impartially without bias and provides participating parties simultaneous and timely access to the same information. Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.
Equitable	The process of offer and acceptance is fair and just. The only grounds for not awarding a contract to a tenderer who complies with all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.
Transparent	The procurement process and criteria upon which decisions are to be made are publicized. Decisions (award and intermediate) are made publicly available, together with reasons for those decisions. It is possible to verify that criteria were applied. The requirements of procurement documents are presented in a clear, unambiguous, comprehensive and understandable manner.
Competitive	The system provides for appropriate levels of competition to ensure fair and cost-effective outcomes.
Cost-effective	The processes, procedures and methods are standardized with sufficient flexibility enabling best-value outcomes in respect of quality, timing and cost and least resources to effectively manage and control procurement processes. Decision making focusses on the attainment of value for money through the evaluation of relevant costs and benefits together with the assessment of risks.
Promotion of other objectives	The system may incorporate measures to promote objectives associated with a secondary procurement policy (see 4.4) subject to qualified tenderers not being excluded and deliverables or evaluation criteria being measurable, quantifiable and monitored for compliance.

4.2.2 Disciplinary action

Employers should discipline their employees, agents, public office bearers or board members who contravene the requirements of their code of conduct for procurement.

Employers may place contractors or their principals (or both) who have engaged in corrupt and fraudulent practices under restrictions from participating in the employer's procurement for periods