



STUDENT CHRISTIAN ORGANISATION OF MALAWI (SCOM)

**PROCUREMENT AND ASSET DISPOSAL
POLICY**

SCOM SECRETARIAT, LILONGWE MALAWI

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GLOSSARY OF TERMS AND DEFINITIONS

Bid: a quotation or tender submitted by a bidder.

Contract: An agreement between two or more parties with specific terms and conditions including a Contract for Provision of Services a Contributor Agreement or a Framework Contract.

Deliverables: the tangible outputs of a contract. Examples are a research paper, an evaluation study or hotel accommodation.

Deviation: a decision made not to follow the Procurement and Asset Disposal Policy or procedures due to exceptional circumstances in the best interests of SCOM.

Donor: an Institution providing external funding to SCOM.

Expression of Interest (EOI): inviting suppliers to indicate their interest in taking on a specific assignment or to join a roster of qualified suppliers who may then be requested to compete for a specific assignment or be considered for future assignments.

Highest Rated Proposal: the bid determined to be the best bid after the evaluation and rank highest among the proposals.

Sole Sourcing: the process of selecting a supplier without considering alternative suppliers.

Tender: a procurement method in which any qualified supplier in the open market can be invited to submit a quote to provide a goods or services required by SCOM. It is also known as a public tender.

Procurement: the formal process of acquisition of goods and services.

Project Manager: the Staff Member named as the person responsible for one or more projects that form part of the current programme and budget.

Request for Direct Award (RDA): the specific identification of a given service provider in selected circumstances.

Request for Proposal (RFP): one of the soliciting documents used in an open competition to source a supplier to carry out a service. It informs a potential bidder of the requirements (e.g., qualifications, experience) necessary to carry out the assignment and the procedures to follow in submitting a proposal.

Requirements: a general term to describe the needs of a service or assignment.

Restricted Competition: the process of selecting a supplier based on comparing several proposals or quotes from a range of identified Suppliers.

Services: the outputs to be provided by a service provider.

Specifications: a detailed description of the attributes of an item, typically used when purchasing goods and supplies.

Service Provider: any contractor, service provider, consultant or vendor who is contracted to provide goods or services to SCOM.

Terms of Reference: a detailed description of what is required from an assignment, outlining such matters as the context, scope of work, deliverables and deadlines; used in conjunction with the procurement of services.

Thresholds: the monetary values prescribed by SCOM to establish which Procurement Method must be used in relation to the different procurement categories.

1.0 INTRODUCTION

SCOM believes in the advancement evangelism, discipleship and training as part of universal human aspiration and enablers of sustainable human development. In pursuit of these values, SCOM requires goods and services from external sources for the implementation of the projects and activities. SCOM is mindful of the fact that it has been entrusted with both public and private funding to carry out its mandate, expenditure involving procurement processes is a significant proportion of the annual budget. And the Procurement and Asset Disposal Policy set out the principles that shall govern the procurement of goods and services of SCOM.

2.0 PURPOSE

The purpose of this Policy is to ensure that SCOM obtains the best value for money in the procurement of goods and services, by requiring the application of a clear and consistent approach to procurement and to ensure transparency and accountability. The selection, contracting, management and monitoring of suppliers or service providers shall be in line with the principles of efficiency and economy, equal opportunity, transparency, and sustainability.

3.0 SCOPE AND APPLICATION

This Policy applies to all SCOM employees, sections, committees, consultants, officers, Board members or agents (collectively referred to as “Covered Individuals”) who are directly or indirectly involved in the procurement of goods and/or services for or on behalf of SCOM.

It is the responsibility of such Covered Individuals to acquaint themselves with and adhere to this Policy. Any acts or omissions of a Covered Individual that are or may be perceived as a violation of this Policy will be dealt with under Whistle- Blowing policy, HR Policy, code of conduct, ethics and Conflict of Interest for funding Institutions, as applicable.

The General Secretary is responsible for ensuring the effective implementation of this Policy. Without prejudice to the foregoing and subject to any limitations contained in this Policy, the General Secretary may delegate in writing to other officers such authority as considered appropriate to the implementation of this Policy. The commitment must be approved, and the relevant contract agreements concluded before activities begin.

4.0 CORE POLICY PRINCIPLES

The procurement of goods and services shall be conducted in a manner that is based on the principles set out below.

- 4.1. **Best interest of SCOM:** to carry out procurement activities in a manner that best enables the organization to reach its general and specific objectives in line with applicable procurement policies and procedures.
- 4.2. **Value for Money:** the selection of the service provider will be made by balancing combination of whole-life cost, quality and sustainability to meet SCOM requirements.
- 4.3. **Competition:** Procurement will be carried out on a competitive basis and respect the prescribed competitive thresholds. Requests for Direct Awards where a competitive process is not to be undertaken should normally be limited to exceptional cases.

- 4.4. **Equitable and Unbiased Selection:** No bidder shall be unjustifiably discriminated against and no bidder shall receive an unfair competitive advantage. Contracts should however not be awarded to entities determined to be ineligible in terms of this policy.
- 4.5. **Transparency:** The information on the public procurement process must be available to everyone unless there is a valid reason to keep it confidential. Procurement and selection will be carried out in a transparent manner. Selection criteria in the case of open competition will be clearly stated and publicized.
- 4.6. **Efficiency and Effectiveness:** Procurement should be carried out in a manner that makes efficient use of SCOM's resources. The work involved and associated costs of a procurement process should correspond with the character, volume and type of procurement. It should also be effective in that it meets the needs of the end-user and achieves the objectives of SCOM. The contract will be awarded to the Highest Rated Quote/Proposal that has fully complied with the terms of the procurement process.
- 4.7. **Adequate planning** - Sufficient time should be allowed for a procurement process to ensure timely and successful implementation of activities and to ensure compliance with the principles of the Procurement and Asset Disposal Policy. This includes adequate time for the required level of quality assurance, review and approval. Failure to do so risks that the procurement will be carried out in a manner that is in contravention of good procurement practice, the policy or that delivery of the requisite goods and services will be delayed which will impact on programme and project delivery. Retroactive financing is not permitted
- 4.8. **Procurement Ethics** - Trust in the integrity of the procurement function is essential to the organisation. All parties involved must observe the highest ethical standards during all stages of the procurement process. Contracts must not be awarded to organizations/individuals who have been involved in exclusionary behaviours. Staff Members are prohibited from accepting any gift, payment, consideration or benefit of any kind that could be considered an inducement for the award of a contract.
- 4.9. **Avoidance of Conflict-of-Interest** - A conflict of interest can be broadly defined as a situation in which the impartiality of a person could be questioned due to an actual or potential clash between their personal and professional interests. Conflicts of interest are not necessarily unethical or wrong, but they do have to be declared and managed where they exist.
- 4.10 **Sustainability:** Procurement of goods and services should consider the possible effects on the environment, local economic circumstances, human health and safety and preference should be given to those offers that make a positive impact on the environment.

5 TYPES OF REQUIREMENTS

- 5.1. **Goods and supplies** - Supplies are trackable goods, such as a projector or a mobile phone, materials, and consumables. They tend to be consumed or be in use over the short to medium-term but to have a shorter lifespan than fixed assets. Individually, these tend

to be low-cost items but because they may be used or consumed in larger quantities, the total cost may be a significant amount in any one-year period. A review of historic accounts and supplier payments can provide an estimate of the annual cost of such supplies, which figure can be used to determine whether there is a need to carry out a competitive procurement. Consideration should be given to sustainability and environmental issues when considering the procurement of goods and supplies.

- 5.2. **Fixed assets** - A fixed asset is a tangible item of property with a useful life of longer than one year and which exceeds the cost level set by SCOM for capitalizing assets. According to SCOM's accounting policies, any individual item with a cost above (**Needs to be determined**) is considered a fixed asset. Generally, SCOM does not purchase large quantities of fixed assets on a regular basis, but only when new offices are being set up or existing offices are refurbished.
- 5.3. **General services** - Services such as repairs and maintenance of equipment or furniture, cleaning or security services, lease of office space, offsite storage, transport services, importation and logistics services, media advertisements, health maintenance services, and other similar services.
- 5.4. **Events** - Events is an umbrella term in this policy to cover all types of meetings, training sessions, workshops, seminars, and other similar events required as part of the programmed and institutional activities of SCOM. The supplier that provides the venue for the event is treated as the main supplier for an event. It is the expected price of this contract that determines whether the procurement method should be a non-competitive or a competitive process. Contracts with other suppliers for services related to the event (e.g., translation services) should follow the procurement method for services.
- 5.5. **Consulting Services** - These are activities requiring external technical and professional expertise beyond SCOM internal capacity, such as research, feasibility studies, Audit and related services and are provided by individual consultant or firms.
- 5.6. **Intellectual Property** - The procurement of intellectual property may involve the commissioning of papers or other original works, or services where part or all of the end product is original work for which the organisation needs to acquire the copyright (e.g., studies, research papers, translations of copyrighted material, layout design, videos, films, other media products etc.). Even if the initial plan does not include publishing it is important that consultants commissioned to do such work are engaged under an agreement that includes the correct copyright terms and conditions. In general, this relates to the production of what the Organisation classifies as Knowledge Products.

6 PROCUREMENT AUTHORITY

- 6.1. SCOM applies decentralized procurement with different levels of delegated authority. The thresholds for the delegation of procurement authority are indicated in the Procurement Procedures.

- 6.2. The procuring Team shall carry out the procurement process with efficiency, impartiality, and integrity and to ensure that:
 - 6.2.1. All procurement activities are properly documented and submitted to the relevant approver; and
 - 6.2.2. The intended procurement process is in the best interest of SCOM.
- 6.3. Authorized Staff Members and SCOM Sections having a delegated procurement authority must ensure that actions undertaken under their supervision are in compliance with the Procurement and Asset Disposal Policy and all other relevant policies and procedures.
- 6.4. The Procurement Procedures outline the segregation of duties to reduce risk. No single individual or team shall control all key stages of the procurement process. Segregation of duties shall be subject to regular review and monitoring by the Procurement Officer/appointed personnel to lead procurement.

7 PROCUREMENT CYCLE

The procurement cycle consists of 5 steps as follows:

- 7.1. Annual procurement planning;
- 7.2. Transaction specific procurement planning
- 7.3. Conducting the procurement process;
- 7.4. Contract preparation; and
- 7.5. Contract management.

7.1 Annual Procurement Planning.

The process of assessing the procurement needs of SCOM in order to determine its procurement strategy. It is considered an important tool for managing procurement needs in an effective, efficient, and timely manner, as the key to meeting the procurement principles lies in procurement planning. To facilitate efficient planning of resources, effective procurement and delivery and implementation of the projects, Programmes, and Teams shall prepare and maintain annual procurement plans.

7.2 Transaction specific procurement planning.

When planning specific procurements, the following should be considered:

- 7.2.1. **Budget** - Preparation of cost estimates and confirmation of budgeted funds. Teams should plan to purchase goods or services as far in advance as practical and include them in their budget. A project must accomplish objectives according to the established budget. The estimated cost of the requirement can be derived from the previous records of purchase, or if no previous purchase for this type of requirement exists, the Team can review the current market price by market research or request potential suppliers/service providers for an indicative quote.
- 7.2.2. **Requirement Definition** – Defining the procurement requirements and setting clear specifications is the key to securing compliant offers or proposals. The Team should identify the precise needs of the project. In cases where the specifications are

not fully known, market research should be conducted to check the availability in the market. For IT goods this must be coordinated with the National Office IT Team to ensure that the specifications are correct.

- 7.2.3. **Procurement Method** - During the planning stage, the selection of the appropriate procurement method to be used should be determined. The method to be used is based on the procurement value, the market conditions, operational environment, and donor's requirements.

7.3 Internal Procurement Committee

The Internal Procurement Committee (IPC) shall be comprised of the Administration Officer, BIF Coordinator, Social Development Coordinator and any relevant project officer. For procurement of vehicles, capital assets and long-term investments, NEC shall recommend some of its members to be part of the IPC.

The IPC shall facilitate the decision-making process regarding product specification, procurement method, and selection of supplier, subject to the General Secretary's/ NEC approval.

7.4 Procurement Process.

After planning, the IPC will conduct the procurement process following the procurement method according to the procurement threshold and specific requirements of the procurement.

7.5 Contract Preparation

The draft contract should be prepared after the evaluation has been conducted and the recommended supplier or service provider has been identified. SCOM uses standard templates to formalize contract agreements with suppliers. In addition, the supplier's own standard template may be used where it is considered more appropriate and their terms and conditions are acceptable, although in this case a declaration of honour is required. The templates used by SCOM range from a simple one-page Purchaser Order to a more detailed contract document with annexes outlining the general terms and conditions, the terms of reference, and a budget. The type of template used depends on the procurement category, the nature of the service and the value of the contract.

7.6 Contract Management

The contract management stage is defined as the period between the signing of the contract or agreement and the satisfactory completion of the assignment. The value and complexity of the contract will determine the level of input required to manage a contract. The Project Manager is the Staff Member responsible for managing the contract but may delegate some of the administrative aspects of contract management. The Project Manager will however remain responsible for the contract outcome. Payment for service or goods contracts shall be made according to the specific terms of each contract against invoices issued by the service provider. The service provider should be notified immediately and in writing of any failure in performance or deliveries and penalty should be applied according to the agreement.

8.0 PROCUREMENT METHODS

Within the relevant thresholds the process shall be open on equal terms to all legal and natural persons, regardless of their origin, nationality, gender or other characteristics as applicable, except for those who are excluded in terms of section 13 of this Policy.

SCOM does not charge an administration fee to bidders.

8.1 No competition (single sourcing)

This is contracting without competition. The project/ responsible officer will source and negotiate an agreement with one supplier, and it is not necessary to obtain three quotes. Single sourcing is allowed in the following circumstances:

- 8.1.1. Procurement value for goods / services is less than K1, 000, 000. Requirements should be aggregated into larger purchases rather than frequent sourcing of quotations. Multiple purchases of similar goods and services will be grouped when applying the threshold.
- 8.1.2. When there is a valid and ongoing Framework Agreement between SCOM and the supplier.
- 8.1.3. For goods that have no equivalent items available in the market and the item cannot be replaced due to compatibility issues with the current set up of the project. It should be determined that the supplier is the exclusive manufacturer or distributor or if a change of supplier will affect the warranty or after sales services of existing equipment. The procuring team should secure from the supplier the certificate of manufacturer or certificate of exclusive distributorship from the principal company that manufactured the product.
- 8.1.4. For reason of urgency brought by events unforeseeable by SCOM. The urgency of the requirement should be clearly defined, and the actions taken by the procuring Team. The circumstances invoked to justify the urgency should not be attributable to poor planning and or processing delays on the part of the Staff Members.
- 8.1.5. There is a compelling reason to protect the confidentiality of the project.
- 8.1.6. If it is donor or boundary partner requirement to appoint a named service provider.
- 8.1.7. If the procurement is directly related to a previous assignment

8.2 Restricted Competition

The threshold for restricted competition must be determined during the competition by appointed lead of procurement. This is a competitive process where quotes are sought from several identified suppliers. For all assets or any transaction above K1, 000, 000, a minimum of three quotes must be sought. The quotes are evaluated, and a supplier is chosen based on the selection criteria that were indicated in the specifications document. If there is only one supplier or service provider that

submitted a proposal, the proposal then will be evaluated and if found to be compliant, it will then be selected:

- a) Goods/services valued from MK1, 000, 000 to MK50, 000, 000 will require three (3) quotations and suppliers to be selected by an internal procurement committee.
- b) Goods/services valued above MK50,000,000 to K100, 000, 000 will require three (3) quotations and decision to be approved by NEC.

8.3 Open Competition

Procurement of goods or services with an expected value over MK100 million must be carried out by public tender, unless an exception for sole sourcing as indicated in above, is applicable. Although not a requirement, an open competitive process can also be carried out when the value is expected to be less than MK100 million if a Project Manager considers it advantageous to explore the market on a wider scale to source a supplier.

An open competition is a tender that is publicly advertised in which qualified suppliers are asked to submit a bid or proposal to provide specific goods or services. The tender is advertised on SCOM's website and in other media outlets as appropriate. The purpose of open competition is to provide all eligible potential bidders with adequate notification and to provide them equal access and fair opportunity to compete. Public tenders require careful planning and enough time to complete the process, which may be up to six months. They also require careful monitoring and oversight during the process as any weakness or failure in the procedure could call the integrity of the process into question, and leave it open to challenge.

In certain circumstances it may be appropriate to conduct an initial competitive process to preselect a group of service providers that may then be used for specific relevant projects or assignments. In this case the tender process will be used to select the service providers. Categories where this may be applicable are as follows:

8.4 Expression of Interest (EOI)

A request for an Expressions of Interest (EOI) is a method used to advertise a general assignment and solicit suppliers who are interested in being considered for inclusion on a shortlist. Suppliers are generally required to submit a CV or a proposal. This can be a cost-effective way of testing the market and identifying potential suppliers to create a shortlist for future use or to allocate a one-off assignment. Depending on the purpose, the request for an EOI may include specific shortlist criteria. A request for an EOI comprises a written notice indicating the general nature of the services/goods required and the shortlist criteria if applicable. It could also include detailed terms of reference in the case of a specific assignment. The request should be advertised on SCOM's website and/or on other media platforms as deemed appropriate.

8.5 Pre-qualification

Pre-qualification is a procurement method used to establish whether suppliers are qualified in accordance with predetermined criteria to carry out an assignment or provide a service. This is carried out in advance of a formal competitive process but only those suppliers who qualify are then invited to bid or submit a proposal for the assignment in question. The Project Manager in

collaboration with the Accounting and finance Team will carry out an initial market search to identify the relevant suppliers and evaluate them against predetermined criteria. An intermediary agency may also be used in this process. The documents sent to the pre-qualified supplier will be standard tender documents, such as an invitation to submit a proposal and the terms of reference. Pre-qualification is a method suited to the following types of procurement:

8.5.1.A complex or specialized type of assignment

- a. A service which is procured on a regular basis where it is useful to have a roster of qualified service providers available; or
- b. A service that presents risk concerns
- c. Call for Papers- Occasionally, SCOM carries out a “Call for Papers” whereby consultants are requested to submit an abstract of a paper based on a specified subject. Purpose is to select a shortlist of consultants to write a longer paper, based on the abstract. The amount involved is usually low and so does not fall over the threshold for an open competition. However, it does involve the need to openly advertise and must therefore follow a transparent process.

8.6 Use of Procurement Agents

Procurement agents should be used in exceptional circumstances. Certain services by their nature require the use of an intermediary for example, insurance policies and office rental agreements. In many cases, these are also renewable services. It may also be beneficial to use an agent in the case of a more complex and specialized procurement. In such situations, SCOM reserves the right to engage an intermediary agency to source and evaluate suppliers on its behalf. The documentation and recommendations of the agent should be reviewed and approved in accordance with the normal process.

8.7 Use of Implementing Partners

Any Government Agency, Government Owned Corporation, International Organization, Non-Government Organization or Non-Profit Agency to be engaged by SCOM as a partner. The detailed definition and procedures for this type of transaction are covered by the Partnership Policy and related procedures

9.0 ADDENDUMS AND EXTENSIONS

Contracts may have to be modified if the circumstances affecting project implementation change after the contract is signed. Contract modifications must be formalized in an addendum to the contract signed by both parties.

In the case of high value or complex contracts it is likely that changing circumstances will require modifications to the scope, work plan or deliverables under the contract. These should be anticipated in the planning stage and included in the specifications for the service. In addition, a change control procedure should be included in the initial contract that outlines the types of modifications allowed and the procedure to be followed.

The following changes may be made without invoking a new procurement procedure, namely:

- 9.1. Changes to supplier details, such as a change of name or bank details. These should be formalized through an addendum to the contract except in the case of changes to contact details which may be notified by the service provider in writing.
- 9.2. If the time for performance is extended. A 'grace period' of ten working days will apply to all contracts that experience delays, during which the need for an addendum will be waived. Any further delays to the performance period will require a formal written addendum.

The following changes require a new procurement process which would normally be a Request for Direct Award, namely:

- 9.3. Major changes, such as a fundamental alteration to the TOR or Description of Action, may not be made by means of an addendum;
- 9.4. Unit prices, particularly fee rates, may not be changed by means of an addendum;
- 9.5. Complementary services that have become necessary to perform due to unforeseen circumstances. These complementary services must be technically and economically inseparable from the main contract;
- 9.6. Supplementary services that consist of the repetition of similar services entrusted to the contractor under the initial contract;
- 9.7. New procurement processes resulting from changes above will be approved in terms of the delegation of authority.

10.0 CANCELLATION OF CONTRACTS

In exceptional circumstances, it may be considered in the best interests of SCOM to cancel a contract due to, inter alia, non-performance by a service provider. It may also be the case that a service provider wishes to cancel a contract. In these circumstances The General Secretary will consider and approve the cancellation.

11.0 DEVIATIONS

In exceptional circumstances, it may be considered in the best interests of SCOM to deviate from the Procurement and Asset Disposal Policy or procedures. The General Secretary has the authority to waive the application of certain provisions of the Policy and related procedures. If this waiver is applied, the case must be sent to the Finance & Audit Committee for review at its next meeting.

12.0 CONFLICT OF INTEREST

All stakeholders in the procurement process are required to provide professional, objective, and impartial services or advice and always hold the Organisation's interest's paramount, without any consideration for future business, and to strictly avoid conflicts with other business or their own interests. They shall not be contracted for any activities that would be in conflict with their prior or current obligations to other parties, or that may place them in a position of not being able to carry out the assignment in the best interest of the Organisation.

It is the responsibility of SCOM Staff Members and Sections and Associates to properly disclose any conflicts and address these in terms of the Conflict-of-Interest Policy and the instruction to

disclose the conflict of interest should also be shared by the procuring team to tenderers and potential service providers.

SCOM Staff Members and Sections and Associates qualified to provide goods or services shall follow the whole procurement procedure that apply as everyone else.

SCOM shall make public advertisements for procurement of goods or services in such quantities as stipulated here in unless otherwise, as determined by the office of the general secretary, on specified goods or services, shall internal procurement advertisement be used.

13.0 EXCLUSION AS A RESULT OF CORRUPT, FRAUDULENT AND OTHER UNACCEPTABLE PRACTICES

SCOM, and all service providers shall observe the Code of Conduct during the procurement and execution of the contract. To this end, the following are considered unacceptable practices and may lead to the exclusion of a service provider from a tender process or termination of the contract if the circumstances arise or come to the attention of SCOM after the contract is signed.

In this context the exclusion applies to the service provider or if the service provider is a legal entity a natural person with power of representation, decision-making or control over the legal entity. Grounds for exclusion are if:

- 13.1.** The service provider is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- 13.2.** It has been established by a final judgement or a final administrative decision that the service provider is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- 13.3.** It has been established by a final judgement or a final administrative decision that the service provider is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the service provider belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - 13.3.1.** Fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - 13.3.2.** Entering into agreement with other persons with the aim of distorting competition;
 - 13.3.3.** Violating intellectual property rights;
 - 13.3.4.** Attempting to influence the decision-making process of the contracting authority during the award procedure;

- 13.3.5. Attempting to obtain confidential information that may confer upon its undue advantages in the award procedure;
- 13.4** It has been established by a final judgement that the service provider is guilty of any of the following:
 - 13.4.1. Fraud,
 - 13.4.2. Corruption, as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;
 - 13.4.3. Participation in a criminal organisation,
 - 13.4.4. money laundering or terrorist financing,
 - 13.4.5. terrorist-related offences or offences linked to terrorist activities
 - 13.4.6. Child labour or other forms of trafficking in human
- 13.5** The service provider has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by SCOM, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations;
- 13.6** It has been established by a final judgment or final administrative decision that the service provider has committed an irregularity
- 13.7** For the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - 13.7.1. Facts established in the context of audits or investigations carried out by SCOM, or that SCOM becomes aware of whatsoever the source of this information;
 - 13.7.2. Non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - 13.7.3. Decisions of the Anti-Corruption Bureau (ACB), courts of law or international organisations;
 - 13.7.4. Decisions of Malawi Law Commission relating to the infringement of the Trade Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
 - 13.7.5. Decisions of exclusion by an authorising officer of Malawi based institution, of a Malawian Government office or of Malawian agency or body.
- 13.8** The service provider is an entity created with the intent to circumvent fiscal, social or other legal obligations (Shell Company).
 - 13.8.1. If a service provider declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation,

thus demonstrating its reliability. These measures may include technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided.

- 13.8.2. In determining whether the circumstances warrant exclusion of the service provider proportionality and the extent of remedial measures applied shall be considered. In this context proportionality means the seriousness of the situation, including the impact on SCOM's financial interests and image, the time which has elapsed since the relevant conduct, its duration and its recurrence, the intention or degree of negligence, and the value of the transaction. The decision to appoint a service provider that has circumstances that warrant exclusion will vest with the General Secretary who will consider the proportionality of the circumstance and the remedial measures in place.

14.0 PUBLIC DISCLOSURE

In line with the guiding principle of transparency, the organisation publishes information on its procurement activities on its website and other media platforms such as social media and Newspapers.

15.0 LANGUAGE OF DOCUMENTATION

All the contract templates used by SCOM are in English. All contracts with a value of 100 million Malawi kwacha or more should be in English. They must be translated if this is not the original language of the contract. If this is not feasible then an English summary of the main terms and conditions will suffice.

16.0 INTERIM ARRANGEMENTS

Current contracts will be governed by existing policy until the contract date. Extension and amendment will be under the new policy.

17.0 DISPUTE RESOLUTION

Whenever possible, an attempt shall be made to settle any dispute arising from the interpretation or execution of a contract by informal negotiations between the supplier or service provider and the Project Manager. If informal negotiations are unsuccessful in settling disputes, these should be escalated to the General Secretary to consider for recommendation in terms of the General Conditions of Contract.

18.0 RISK MANAGEMENT

Risk analysis and risk management is carried out under policies approved by the Organisation.

There are a variety of risks inherent in the procurement process. The impact of any unwanted event occurring and the likelihood of that happening will vary depending on the nature and value

of the procurement. Staff Members involved in procurement are required to consider risk when planning procurement processes, and in the management of contracts.

19.0 ASSET DISPOSAL

19.1.PURPOSE & SCOPE

To provide clear guidance to staff on how, and when to dispose of SCOM property. Assets are the property of the SCOM and it is therefore essential that the act of disposing of an asset is in accordance with SCOM policy, procedures and audit requirements. The proper recording of an asset disposal provides for an accurate account of profit or loss in the SCOM's financial statements.

Disposal of an asset may be necessary as a result of the asset becoming redundant, obsolete replaced by an upgrade, damaged, stolen or simply surplus to requirements.

19.2. AUTHORISATION & DISPOSAL

The initial decision to dispose of an asset should come from the third-tier manager responsible for the asset. This should occur when the manager becomes aware that the asset is redundant, obsolete, replaced, damaged, stolen or surplus to requirements. Written authorisation to dispose of the asset must be obtained from the Finance Officer or the General Secretary prior to commencing this process, subject to NEC approval. However, disposal of all big assets like vehicles, machinery, land and buildings will only be done upon the authorisation of the Trustees, who are legal custodians of all SCOM assets.

19.3. METHODS OF DISPOSAL

To establish a perceived value, find examples of like items being sold in similar circumstances by other sellers. The evidence collected on the value must be made available to the Finance Officer and General Secretary Officer in order that they may confirm the perceived value is reasonable.

19.3.1. UNDER MK 50, 000, 000.00

If the perceived value of the asset is MK 50, 000, 000. 00 or less, then list it on Trade Me for sale as an auction to the public. Circulate an all-staff email to publicise the sale. Highest bidder wins. Buyer must pick up. SCOM staff should not waste their time posting low value items.

19.3.2. MK 50,000, 000. 00 – MK100, 000, 000. 00

If the perceived value falls between MK 50,000, 000. 00 and MK100, 000, 000. 00 then list it on Trade Me for sale as an auction to the public. Confirm reserve with Financial Accountant and Finance Officer or General Secretary. Obtain additional publicity via SCOM notice board and local newspaper as appropriate. Large items should be listed as pick up only.

19.3.3. OVER MK 100,000,000.00

Assets over MK100, 000, 000. 00 perceived value may be sold via online/traditional public auction with associated publicity. However, in unusual circumstances the asset may be disposed of in other ways prescribed by Finance Officer and duly authorised by the General Secretary (i.e., if we are disposing of a large number of like items of high value, we may use specialists e.g. Premium Auctioneers or a local vehicle dealer for motor vehicle disposals or technology specialists for IT equipment no longer required.)

If the asset is damaged or worn out in a way that may create a risk to a subsequent user, then attempt to sell the object as scrap to a scrap professional or have it delivered to the nearest recycling facility. This process should also be used if the asset is unable to be sold or has no realisable value.

Regardless of how the asset is disposed of, if the asset was on the fixed asset register (even if the book value had depreciated to zero) you must notify the Financial Accountant of the disposal and complete the asset disposal form which is available from: Finance/administration office.

19.4. RESERVE PRICES FOR AUCTIONED ITEMS

When disposing of an asset by auction the reserve should not be less than the book value unless there is a tangible reason, such as market belief that the asset is obsolete or the condition of the asset is such that it is reduced in value. With vehicles, obtain a dealer quote for buying the vehicle and use that as the reserve in an auction.

19.4. NOTES FOR DISPOSAL OF TECHNOLOGY

If disposing of technology that holds data, the officer of SCOM handling the disposal must ensure that any privileged or confidential data has been removed from the hard drive or memory of the device before making it able to be acquired privately. If this is not possible then the device or its hard drive should be destroyed.

19.5. NOTES FOR DISPOSAL OF VEHICLES

Once vehicles are disposed of, the officer of SCOM handling the disposal must ensure that the transfer of ownership is notified to the Malawi Road Traffic Authority, the new owner is made aware of their responsibility to notify the Malawi Road Traffic Authority and that the vehicle is removed from the Insurance Schedule of Vehicles.

19.6. RISK MITIGATION

As with the sale of any SCOM property it is important that SCOM remains impartial about the people or companies to whom these assets are sold. SCOM should not be exposed to allegations of preference being given to staff members, elected members or their families. Please consider this fact when selling anything.

20.0 POLICY CONTROLS

- 20.1. This Procurement and Asset Disposal Policy supersede all previous Procurement Policies and may be amended from time to time as deemed necessary to reflect changes in best procurement practice.
- 20.2. The Policy is established under the framework of the organisation's Finance policy and guidelines. In accordance with the Finance Policy, The General Secretary has the ultimate authority in relation to the policy and may delegate authority as required.
- 20.3. Interpretation authority contained in the Procurement and Asset Disposal Policy is vested in the General Secretary, who has the authority to rule on any cases of ambiguity in the interpretation and application of the Policy.
- 20.4. SCOM as a whole is responsible for executing this policy. The General Secretary must report on the policy and specific problems experienced in its implementation as required and is authorized to propose standard operating procedures in support of this policy if required.
- 20.5. Sanctions may be imposed in terms of the Disciplinary Procedure on any Staff Member that fails to comply with this policy.
- 20.6. No amendment(s) may be made to any section of this policy without following the appropriate procedures.
- 20.7. Any deviation from this policy must be expressly approved in writing by the Secretary General or his/her delegate.

21.0 DISPOSAL OF ASSETS

The purpose of the disposal of assets guidelines is to ensure that disposal of assets achieve the best value for money and is conducted in an efficient, effective, transparent and adequately documented and approved manner. SCOM shall ensure assets sold or otherwise disposed of are correctly written off the asset's records, removed from insurance schedules and that appropriate assets stewardship and balance sheet valuation can be verified.

Disposal shall hereby refer to the sale, demolition, gifting or recycling of assets owned by SCOM or the disposal of assets declared surplus to SCOM requirements. Write off shall refer to the removal of the asset from SCOM's asset register, or Statement of Financial Position, at zero value.

- 21.1. Disposal of assets shall be conducted in compliance with SCOM accounting policies and financial reporting standards.
- 21.2. Finance shall be advised of all asset disposals where the original purchase cost of the asset exceeds the cost that made such an item to be recorded on SCOM asset register.
- 21.3. Proceeds from the sales of assets shall be correctly and expediently recorded in the financial accounting systems

This policy was approved on August 2025 and will be of immediate effect applying to all new contracts or extensions after that date.