



Code of Conduct for Key Consultants



Introduction by Frank Allen, Chief Executive

RPA is responsible for some of Ireland's most significant infrastructure projects. Our work has a high profile; it involves large amounts of money; and it affects a large number of people. It is important therefore that every aspect of our work meets high standards of business ethics. In order to ensure that these high standards are understood and met consistently, RPA has introduced this Code of Conduct for its key consultants.

Maintaining these high standards helps to maintain the support of our stakeholders and is critical to the success of our activities.

The Code sets out five principles that key consultants should follow in every aspect of their dealings with and on behalf of RPA and gives specific examples of their application.

This Code will be examined from time to time to ensure that it meets the needs of RPA.

Frank Allen
Chief Executive
28 June 2007

Application of the Code

This Code of Conduct applies to any person who, although not an employee of RPA:

- Has contact on behalf of RPA with the public or with other stakeholders in our activities; or
- Performs any commercial function in any tender process conducted by RPA; or
- Has contact on behalf of RPA with other RPA consultants or with RPA contractors.

If you fall within these categories, you are a key consultant. If this is the case, the Code does not only apply when you are doing one of the things listed above: it applies in any situation where you are representing or are directly associated with RPA.

Queries about the Code

If you have a query about the application of this Code, you should talk to your manager who should then consult with the Agency Secretary. Queries and expressions of concern about compliance by you or by any one else with the Code will be dealt with confidentially.

Breach of the Code

If you consider that you may have breached any part of this Code, you should without delay inform your manager who should inform the Agency Secretary. The matter will be dealt with sympathetically by the Agency Secretary who will seek to ensure that the breach is remedied effectively.

However, any breach of this Code will be regarded seriously and may lead to RPA taking action under any relevant contract, including requesting that you undertake no further work for RPA.

Legal Requirements

This Code of Conduct is in addition to any legal requirements that may apply to consultants working for RPA in particular any relevant contract with RPA and sections 28 to 31 of the Transport (Railway Infrastructure) Act 2001.

Principles of the Code of Conduct

These principles apply to every aspect of our work:

- **Integrity**
- **Effective communication**
- **Confidentiality**
- **Lawful behaviour**
- **Commerciality**

Integrity

We will observe the highest standards of honesty and integrity in all our business dealings.

This means that, as a key consultant, when working for RPA, you must

- Refuse any bribe or inducement offered to you and disclose as soon as possible that it has been made to you to the Agency Secretary.
- Not offer or make any bribe or inducement.
- Refuse any gift or hospitality which may affect, or may be seen to affect, the award of business to any supplier, prospective supplier or your ability to make an independent judgement on any matter as part of your work.
- Reject any business practice which might reasonably be considered to be improper.
- Not give a commitment that you do not know can be met.
- Not use your position as a consultant working for RPA for your own gain or the gain of any person related to you.
- Where required by section 28 of the Transport (Railway Infrastructure) Act 2001 disclose in writing details of any interest which might give rise to a conflict of interest.
- Where you have a conflict of interest, including in circumstances covered by section 29 of the Transport (Railway Infrastructure) Act 2001, disclose it to your manager who should inform the Agency Secretary and any other relevant RPA manager, and not influence, or seek to influence, a decision on the matter affected by it.

Effective Communications

We will ensure that all our communications are effective.

This means that, as a key consultant, when working for RPA, you must

- Ensure that you are polite in all communications.
- Ensure that your communications are accurate and, in particular, do not misrepresent the position of the Agency on any matter.
- Ensure that your communications are clear and consider the needs of the person to whom they are addressed.
- Ensure that suitable records of communications are kept in an organised manner.
- Disclose improper communications made to you under section 31 of the Transport (Railway Infrastructure) Act 2001 by writing to The Chairman, Railway Procurement Agency, c/o The Secretary, Parkgate Business Centre, Parkgate St., Dublin 8.

All records, including emails, letters, written notes and any other document created by a consultant on behalf of RPA may be subject to release under the Freedom of Information Acts 1997 and 2003 if they are deemed to be under the control of RPA. This is the case even where the document may not be in the possession of RPA.

Confidentiality

We will carefully protect confidential information.

This means that, as a key consultant, when working for RPA, you must

- Ensure that confidential information is not misused by RPA and, to the extent practicable, by any other person or body outside RPA.
- Ensure that confidential information is properly safeguarded in RPA and, if you are sending it to a person or body outside RPA, to the extent practicable, by that person or body.
- Exercise due care in communicating such information so that it cannot be accessed by any person not authorised to do so.
- Never communicate with any tenderer or prospective tenderer, including where they are existing suppliers, about any tender that is being planned or run by RPA, in a manner that gives them an unfair advantage and observe any guidelines or rules that may be put in place for particular tenders by the RPA Procurement Manager.
- Ensure that personal information is used only in accordance with data protection law.

These provisions in relation to confidentiality are in addition to the provisions of section 30 of the Transport (Railway Infrastructure) Act 2001.

Lawful Behaviour

We will comply with all applicable laws and regulations.

This means that, as a key consultant, when working for RPA, you must

- Meet all legal and regulatory obligations applicable to RPA, in particular public procurement law and rules, law and rules on railway and workplace safety, environmental law, law and rules on business ethics and tax law.
- Comply with contractual obligations applicable to RPA.
- Comply with all of RPA's internal control procedures, in particular procurement and tendering procedures and with prescribed levels of authority for sanctioning expenditure.

Commerciality

We will seek to achieve the best value for money for the taxpayer in all our activities.

This means that, as a key consultant, when working for RPA, you must

- Encourage effective and fair competition between suppliers at all times.
- Seek to ensure that cost, time and quality are suitably balanced in the development of our projects.
- Negotiate fairly but forcefully.



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