



Mexican ethics code and rules of integrity – provisions related to public procurement



Public Procurement Principle: **Capacity, Integrity**



Procurement Stage: **All stages**



Audience: **Policy makers, Procuring entity**

Description

According to Mexico's Ministry of the Interior (Secretaría de Gobernación, SEGOB), the ethics code and rules of integrity for public procurements include the following:

“Public contracts, licenses, permits, authorisations and concessions: The public servant who participates in public contracting or in the granting and providing of extensions to licenses, permits, authorisations and concessions, on the grounds of their employment, position, commission or function or through subordinates, needs to behave with transparency, impartiality and legality, orients his or her decisions towards the needs and interests of the society, and guarantee the best conditions for the state. The following behaviours violate this rule, among others:

- A. Omit to declare, in accordance with the applicable provisions, the possible conflicts of interest as well as particular business and commercial links with persons or organisations registered in the Single Registry of Contractors for the Federal Public Administration.
- B. Fail to apply the principle of equal competition that should prevail among participants in the public procurement processes.
- C. Formulate requirements differently from those strictly necessary for the fulfilment of the public service, causing excessive and unnecessary expenses.
- D. Establish conditions in the invitations or calls for tenders which confer advantages or provide a differential treatment to certain bidders.
- E. Favour certain bidders by considering that they meet the requirements or rules foreseen in the invitations or calls for tender when they do not, simulating the fulfilment of them or contributing to their temporary fulfilment.

- F. Help suppliers to fulfil the requirements foreseen in the requests for quotes.
- G. Provide undue information about individuals involved in the public procurement processes.
- H. Be partial in the selection, designation, contracting and, as the case may be, removal or termination of the contract, in the framework of public procurement processes.
- I. Influence decisions of other public servants in order for one participant to benefit from the public procurement processes or from the granting of licenses, permits, authorizations and concessions.
- J. Avoid imposing sanctions on bidders, suppliers and contractors who violate applicable legal provisions.
- K. Sending e-mails to bidders, suppliers, contractors or concessionaires through personal e-mail accounts or accounts which are distinct from the institutional e-mail.
- L. Meet with bidders, suppliers, contractors and concessionaires outside the official buildings, except for the proceedings related to on-site visits.
- M. Request unsubstantiated requirements for the granting and providing of extensions to licenses, permits, authorizations and concessions.
- N. Give inequitable or preferential treatment to any person or organisation in the framework of granting and extending licenses, permits, authorisations and concessions.
- O. Receive or request any type of compensation, offering, treat or gift in the framework of granting and providing extensions to licenses, permits, authorizations and concessions.
- P. Fail to observe the protocol of action in matters of public contracting and providing extensions to licenses, permits, authorisations, concessions and their extensions.
- Q. To be a direct beneficiary or through relatives up to the fourth degree of government contracts related to the agency or entity that directs or to which are directed the services.”

Source: OECD (2018), Public Procurement in Nuevo León, Mexico: Promoting Efficiency through Centralisation and Professionalisation, OECD Public Governance Reviews, OECD Publishing, Paris. <https://doi.org/10.1787/9789264288225-en>

