

Document	Financial and Fiscal Commission Code of Ethics
Purpose	Commissioner input, discussion and approval
Nature and History	The Code is reviewed every 3 years. This is the first time that it has been reviewed since its adoption in March 2010. The only change to its content is in Clause 7, page 20 of the Code where the where section dealing with moral dilemmas has been included.
Status	The revision was first tabled before the Commission for approval in November 2013, but has not been considered to date. Failure to deal with the revision by the end of the Financial Year will result in an adverse audit finding.
Submitted by	Acting Chairperson/CE
Date	25 March 2014

Financial and Fiscal Commission

Code of Ethics (“the Code”)

Revision 1, dated July 2009

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1. Introduction

1.1 The Financial and Fiscal Commission (“FFC”) is a Constitutional entity that:

- a) Was established in terms of Section 220 of the Constitution of the Republic of South Africa Act No. 108 of 1996 as amended (“the Constitution”);
- b) Functions in terms of the following legislation:
 - i) The Financial and Fiscal Act, Act No. 99 of 1997 as amended;
 - ii) The Intergovernmental Fiscal Relations Act, Act No 97 of 1997 as amended;
 - iii) The Intergovernmental Relations Act, Act No of 13 of 2005 as amended;
 - iv) The Public Finance Management Act, Act No 1 of 1999 as amended;
 - v) The Provincial Tax Regulation Process Act, Act No 53 of 2001 as amended;
 - vi) The Municipal Fiscal Powers and Functions Act, Act No 12 of 2007 as amended;
 - vii) The Municipal Systems Act, Act No 32 of 2000 as amended; and
 - viii) The Municipal Finance Management Act, Act No 56 of 2003 as amended;
- c) Subscribes to the values of good governance, accountable public administration and sound financial and human resources management as reflected in the Constitution and other laws and regulations applicable to public administration within South Africa;
- d) Operates in accordance with the right to freedom of expression contemplated in Section 16 of the Constitution which includes the freedom to receive or impart information or ideas; academic freedom and the freedom of scientific research;
- e) Acts as a consultative body for, and makes recommendations and gives advice to, organs of State in the National, Provincial and Local spheres of Government on financial and fiscal matters; and
- f) Is accountable to Parliament for its good governance and for the discharge of its mandate.

- 1.2 The Commission and its employees wish to commit themselves to a code of ethical behaviour that accords with this status and with these values, principles and obligations.
- 1.3 The Commission and its employees must, at all times comply with all applicable legislation and regulation. The FFC will not condone activities that achieve results through violation of the law or unethical business dealings. The FFC does not permit any activity that fails to stand the closest possible public scrutiny.
- 1.4 This Code does not replace the FFC's conditions of employment, but should be seen as complementary to the conditions of employment and as a statement of values and ethical business conduct that FFC pursues in its dealings with people and organisations internally and externally.

2. Purpose and Scope of the Code

- 2.1 The purpose of this Code is to establish a set of ethical values and standards:
 - a) Consistent with the objects and vision of the FFC;
 - b) Consistent with the constitutional and legal framework binding on the FFC; and
 - c) Binding on Commission members, managers and other employees of the FFC.
- 2.2 All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the FFC's operations. Anything prohibited by the FFC's policies, applicable laws and regulations would still be prohibited even if it were done on behalf of a Commission member or employee of the FFC representing the FFC.
- 2.3 Compliance with the Code is required of all employees and Commission members of the FFC. The principles contained in the Code also apply to

contract labour, consultants, temporary employees, part-time employees, casual employees, suppliers and others acting for and on behalf of the FFC.

- 2.4 Although the FFC has limited legal rights to enforce the Code on its goods and service providers, the FFC can exercise moral persuasion to gain compliance with the Code or choose not to enter into business relationships with providers who do not comply.
- 2.5 Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their manager, who, if necessary, should seek the advice of the Chairperson and / or CEO.

3. Vision

- 3.1 The vision of the FFC is to enhance the developmental impact of public resources through the financial and fiscal system in South Africa.

4. Institutional Values

- 4.1 As an institution, the FFC will at all times strive:
 - a) To be an institution whose work is viewed as authoritative and non-partisan;
 - b) To use its Parliamentary grant and other public funds to undertake and promote research that will benefit all the people of South Africa, particular regard being had to the provisions of Sections 214(2)(a) – (j) of the Constitution;
 - c) To collaborate with relevant groupings including government, higher education institutions, donors, non-governmental organisations, media and advocacy groups in the course of its work, while maintaining its independent identity; and
 - d) To be guided by this Code in introducing, revising and implementing policies and procedures to guide Commission members and employees in respect of ethical conduct in their different spheres of activity. The FFC's policies and procedures will thus seek to integrate ethical issues into day-to-day activities and decision-making within the organisation.

5. Ethical Values

5.1 The term "ethics" refers to standards of conduct, which indicate how a person should behave, based on moral duties and virtues arising from the principles of right and wrong. Ethics therefore involve two aspects:

- a) The ability to distinguish right from wrong; and
- b) The commitment to do what is right.

5.2 Ethical standards are necessary for the following reasons:

- a) To ensure that all stakeholders of the FFC are aware of the core values respected by its employees (including management) and the Commission; and
- b) To ensure accountability within the FFC in terms of its core values.

5.3 The foundation for the Code is based on the FFC's core values. These values, detailed below, define who we are as individuals and as an organisation:

- a) Institutional values already mentioned above;
- b) Professional excellence;
- c) Non-partisanship and independence;
- d) Non-discrimination;
- e) Honesty and integrity;
- f) Respect;
- g) Fairness that builds trust; and
- h) Collaboration.

5.4 Staff and Commission members at the FFC will be guided in their conduct on behalf of the FFC by these values and apply it to all activities of the FFC:

Professional Excellence

5.5 The FFC seeks to conduct its work in an innovative, creative and professionally excellent manner. Commission members and employees will conduct themselves diligently and strive continually to enhance their productivity and the quality of their work.

Non-partisanship and Independence

5.6 The FFC conducts research and provides information free from any political, racial, religious or other bias, guided by the values in this Code.

Non-discrimination

5.7 The FFC strives to eliminate discrimination and promote equal opportunity and affirmative action in all aspects of its activities. Commission members and employees will not make decisions or take actions on behalf of the FFC that discriminate, whether directly or indirectly, on any ground such as race, religion, gender, sexual orientation or any other impermissible ground in terms of the Constitution or other legislation prohibiting discrimination.

Honesty and integrity

5.8 Honesty and integrity are guiding principles in all the activities of the FFC. All reporting obligations must be complied with fully and honestly. Research results must be fully and accurately recorded. All forms of dishonesty are rejected and any dishonest conduct, including fraud or corruption, will be appropriately sanctioned through disciplinary action or other appropriate means. Any conflict of interest or potential conflict of interest will be fully disclosed in a timely manner.

Respect

5.9 Commission members and employees acknowledge each other's areas of skills, competence and fields of expertise. Commission members and employees will be transparent in their dealings with one another and will

share information and resources and avoid harmful competition in order to promote the overall interests of the FFC.

- 5.10 Relationships between individuals within the FFC, as well as with peers, participants in research programmes and the community at large will be built on respect for each individual's rights, dignity and interests. The diversity and uniqueness of individuals will be acknowledged and respected. Any conflicts that may arise will be resolved in a manner consistent with fairness, mutual respect and collegiality.

Fairness that Builds Trust

- 5.11 Decision-making and conduct within the FFC are informed by ethical values and policies, and a respect for the rights of individuals. Fair, consistent and transparent decision-making will promote trust between individuals.

Collaboration

- 5.12 Commission members and employees will work collaboratively to promote the legitimate interests of the FFC. The FFC works in collaboration with key constituencies such as government, other research organisations, higher education institutions and NGOs to bridge the gap between research, policy and action in order to increase the impact of research. Commission members and employees will promote and participate in the transfer of skills and knowledge to further the interests of the FFC and the broader research community within South Africa and the African continent.

6. Ethical Standards

Individual Ethical Conduct

- 6.1 Ethical behaviour refers to individual actions by employees and Commission members which are intended to further the common good of the FFC, as determined by its policies, procedures, directives and business objectives, with which employees are required to comply. If a person is conscious that

his/her conduct is against the common good of the FFC, Commission members or fellow employees, such conduct is unethical.

Collective Ethical Conduct

6.2 Ethical behaviour can also be regarded as a collective behaviour, because external stakeholders such as suppliers, communities and the State develop their perceptions about the FFC's commitment to the common good on the basis of the actions and the conduct of the FFC's employees they deal with. In this way, excellent ethical business conduct by Commission members and employees of the FFC leads to the collective perception of the FFC as an ethical organisation.

Responsibility

6.3 Commission members will provide oversight to ensure that employees who exercise a function that has been delegated to them carry out the fiduciary duty that they have in the following manner:

- a) To exercise the utmost care in protecting the assets and records of the FFC;
- b) To act with fidelity, honesty and integrity and in the best interests of the FFC in managing the FFC; and
- c) To comply with all other legal obligations when performing these functions.

Research Ethics

6.4 All research conducted by or on behalf of the FFC must uphold the highest ethical standards including:

- a) respect and protection of confidentiality;
- b) transparency;
- c) scientific and academic professionalism; and
- d) accountability and responsibility.

- 6.5 The Commission will adopt, and revise from time to time, on the advice of the FFC Research Committee, a detailed Code of Research Ethics, which is binding upon all FFC employees who undertake research activities. It is the responsibility of the relevant FFC employees to ensure that persons or organisations who undertake research in collaboration with the FFC comply with acceptable ethical research standards in such collaborative work.

Business Ethics

- 6.6 All decisions concerning the conduct of business by or on behalf of the FFC must be made in an ethical manner consistent with this Code. These principles apply to situations in which the FFC seeks to obtain revenue-generating work as well as in its conduct towards suppliers and other persons doing business with the FFC.
- 6.7 The integrity of the Commission members and employees acting on its behalf underlies all the FFC's relationships, including those with customers, suppliers and other government entities, as well as those between Commission members and between employees. The highest standards of ethical business conduct are required of Commission members and employees of the FFC in fulfilling their responsibilities.
- 6.8 Commission members and employees may not engage in any activity that could raise questions as to the FFC's integrity, respect for diversity, impartiality or reputation. Ethical business conduct includes workplace relationships between employees and requires respect for constitutional rights in employment, particularly with regard to human dignity, non-discrimination, respect for diversity, impartiality and reputation.
- 6.9 All Commission members and employees are personally responsible for ensuring that their conduct is ethical and should bring possible contraventions to the appropriate manager's or the Chairperson and / or CEO's attention as relevant.

Conflicts of Interest

6.10 A conflict of interest may occur in any situation in which an employee or Commission member has a personal interest, which may interfere with his or her objectivity in performing duties on behalf of the FFC. It is the responsibility of individual Commission members and employees to disclose actual and / or potential conflicts of interest. Any conflict of interest that is disclosed must be recorded.

6.11 Commission members:

- a) Must disclose any direct or indirect financial interest that they may have in respect of any matter being considered by the Commission;
- b) Subject to any decision by the Commission, must recuse themselves from decision-making and voting where an actual or potential conflict of interest compromises their position; and
- c) Must not utilise information that they have obtained as a result of their service on the Commission and that is not available to the public, to further their private interests or the interests of any other organisation with which they may be affiliated.

6.12 Managers or other employees:

- a) Must not hold financial interests that conflict with the conscientious performance of their duties;
- b) Must not utilise information that they have obtained as a result of their work and that is not available to the public, to further their private interests or the interests of any other organisation with which they may be affiliated;
- c) Must disclose any interest that they have, or that a family member, or other person with whom they are closely connected has, in any entity that wishes to engage in any activity or transaction with the FFC;
- d) Must not participate in making any decision on a matter in respect of which they may have an actual or potential conflict of interest or a potential conflict of interest;
- e) Must not undertake any work for personal income, unless such work has been expressly authorised at the appropriate level of management and

unless undertaking such work does not constitute a conflict of interest;
and

- f) Must bring any situation in which a conflict of interest may have influenced decision-making to the attention of the appropriate level of management.

6.13 The FFC will maintain:

- a) A register of interests of Commission members and of employees that have been disclosed; and
- b) A set of procedures to facilitate the identification of conflicts of interest.

Offering of business courtesies

6.14 Commission members and employees of the FFC may offer business courtesies, including gifts, hospitality or other favours, provided the following conditions are met:

- a) The business courtesy does not violate any law or regulation, the culture or the known policy of the recipient;
- b) The business courtesy is customary and consistent with the reasonable and ethical business practices of the market place in which it is offered;
- c) Commission (in the case of Commission members) and management (in the case of employees) approval, at an appropriate level, is obtained for gifts other than novelty/ promotional items;
- d) The business courtesy is properly accounted for and recorded; and
- e) The business courtesy does not gain for the giver any right or privilege that he/she might otherwise not enjoy.

Accepting business courtesies

6.15 Commission members and employees may accept business courtesies, gifts or other benefits provided that appropriate Commission and/or management approval (as relevant) is secured, the gift is properly declared and accounted for, and the acceptance does not create the appearance of a conflict of interest.

- 6.16 Commission members and employees should not accept business courtesies, including gifts, hospitality and favours (e.g. personal favours or other preferential treatment) when these are offered because of the Commission member's or employee's position within the FFC. These may place the recipient under an obligation to the person or organisation offering such courtesies. However, acceptance of the following is acceptable:
- a) **Novelty or advertising items** may be accepted when they have no appreciable value and are widely distributed by the giver to other organisations, e.g. inexpensive calendars, pens, cups and other promotional items carrying the distributing company's name or logo;
 - b) **Occasional business entertainment** such as luncheons, cocktail parties or dinner on an infrequent basis. In accessing these items above and below, the following conditions must be met:
 - i) It is in the interests of building necessary business relationships;
 - ii) It is not likely to be extravagantly priced;
 - iii) Acceptance will not create the appearance of a conflict of interest; and
 - iv) Management approval has been obtained.
 - c) **Occasional hospitality/entertainment**, which is reasonable in the context of business, e.g. tickets to sporting events or theatres/cultural events.

Relationships with colleagues

- 6.17 Commission members and employees should not discriminate against fellow Commission members or fellow employees and should treat all colleagues with respect.
- 6.18 The following rules are to be observed by all Commission members and employees:
- a) Not to make false accusations against colleagues;
 - b) Recognise fellow colleagues rights to freedom of association;
 - c) To show respect for the dignity of all their colleagues;

- d) Not to discriminate against colleagues in word or deed on the basis of race, citizenship, creed, political persuasion, age, marital or family status, gender, language, religion, sexual orientation or on account of a disability;
- e) Not to hinder the FFC's employment equity initiatives and efforts to redress the imbalances of the past; and
- f) Not to attempt to intimidate or irregularly influence colleagues in any way, or be irregularly influenced by others.

Relationships with suppliers

- 6.19 In order to ensure that they remain objective, Commission members and employees should not accept any bribes offered by any supplier of the FFC, and should report such offers to management and refrain from having any vested interest, financial or otherwise with any suppliers.
- 6.20 Commission members and employees should not invest in, or acquire a financial interest, directly or indirectly, in any business organisation having a contractual relationship with the FFC or which is a provider of goods or services to the FFC, if such a relationship might influence or create the impression of influencing their decisions in the performance of their duties on behalf of the FFC.
- 6.21 The following rules apply particularly to Commission members and employees who have direct contact with any business organisation having a contractual relationship with the FFC, or is a provider of goods or services to the FFC and to Commission members and employees who are indirectly involved in the process of source selection or evaluation (procurement/purchasing/tender evaluation):
- a) Inform a supplier of any bribe or attempted bribe by the supplier's personnel;
 - b) Terminate dealings with any supplier who bribes or attempts to bribe, employees of the FFC;
 - c) Ensure that no bribe is paid to personnel of a supplier of the FFC;
 - d) Have regard for the interests of its creditors when requesting an extension of time in which to pay;

- e) Purchase contracting must be made on the basis of quality, service, price and availability;
- f) Commission members and employees should ensure that they are independent, and are seen to be independent, from any business organisation having a contractual relationship with the FFC or providing goods or services to the FFC;
- g) Commission members and employees are responsible for complying with supplier-imposed limitations governing the use of supplier information, including documents and computer software and protecting the suppliers proprietary data;
- h) The FFC's purchasing power should not be misused for personal benefit to buy goods, materials or services at terms not available to all employees;
- i) Information about the FFC that is restricted, proprietary or sensitive must not be revealed to a supplier or potential supplier unless authorised;
- j) All Commission members and employees, contract labour, consultants and others acting for the FFC are prohibited from providing, attempting to provide, or offering to provide a kickback; and from soliciting, accepting, or attempting to accept a kickback;
- k) No form of improper influence, bribery or unethical conduct by suppliers is to be tolerated and such conduct should be reported; and
- l) Commission members and employees who make, or could influence, purchasing decisions should not be involved in the solicitations on behalf of charitable, civic, or other organisations, of gifts of money or time from current or potential suppliers.

Use of the FFC's resources (including information, intellectual property and computer equipment)

6.22 Commission members and employees should use the assets and other resources of the FFC efficiently and economically in the best interests of the FFC, not make use of these assets and / or resources for private purposes and not disclose confidential information.

6.23 The FFC's resources are to be used for the benefit of the FFC and ultimately all stakeholders. These resources include time, materials, equipment and

information and they should not be used for personal benefit or non-FFC purposes, even after working hours.

- 6.24 The FFC is committed to conserving resources used by its operations. All Commission members and employees should use their best efforts to make efficient use of resources and to reduce the use of supplies and materials wherever practical without compromising quality of service.

Physical Assets

- 6.25 The FFC has developed a number of internal controls to safeguard assets and imposes strict standards to prevent fraud and other dishonesty. All Commission members and employees who have access to the FFC's property in any form must at all times follow prescribed procedures for recording, handling and protecting of such property.
- 6.26 Commission members and employees must, at all times, ensure that the FFC's property is used for legitimate FFC business purposes and be protected against loss, damage, misuse and theft.
- 6.27 The assets and property of the FFC and its suppliers should be treated with the same respect as personal assets and property.
- 6.28 Materials and equipment of the FFC must remain on the FFC controlled property, unless their use in another location is authorised in the FFC's interests.
- 6.29 Proper measures should be taken for the storage and safeguarding of the FFC's information to prevent unauthorised access, use or removal by any means and in any form (e.g. electronic, optical, magnetic, hard copy, etc.).

Confidentiality of information

- 6.30 Information is used and released by the FFC in many forms, including reports, brochures, booklets and electronically. Commission members and employees can provide official information that is normally available to the

members of the public. All other official information or documents should only be provided under the following circumstances:

- a) It is a normal part of a Commission member or employee's job function and the Commission member or employee has received proper authorisation to provide the information;
- b) It is a requirement to do so by law; and
- c) Commission members or employees are called to give evidence in court.

6.31 Commission members or employees approached by the media should immediately refer all requests for information to the Chairperson and/or CEO as appropriate.

6.32 When dealing with anyone outside the FFC, including public officials, a Commission member or employee must not compromise the integrity of or damage the reputation of any individual.

6.33 Information with respect to any confidential research results, plans or other transactions of the FFC or personal information regarding suppliers, Commission members and employees (including their incomes) must not be disclosed by any person unless proper authorisation for such disclosures has been obtained.

6.34 It is the responsibility of all Commission members and employees to make sure that confidential information, in any form cannot be accessed by unauthorised personnel and that sensitive information is only discussed with individuals, inside or outside the FFC, who have been authorised to have access to the information.

Privacy of employee information

6.35 The FFC is obliged to record and maintain legally required personal data for payroll, pension, union membership and medical benefits. Such information must be treated as confidential and used only for legitimate FCC purposes. An employee has the right to correct errors in his or her files.

Intellectual property and proprietary information

6.36 The FFC requires the protection of intellectual property and proprietary information. This includes copyrights and research. It also applies to any other information over which the FFC has control. The obligation not to disclose proprietary information by Commission members and employees still applies after a Commission member or employee has left the FFC.

Computer security

6.37 Hardware, software and data processed by computers and shared electronically or otherwise must be adequately safeguarded against damage, loss, alteration, theft, fraudulent manipulation, unauthorised access to and disclosure of information. Strict adherence to all policies and standards addressing the protection of the FFC's data resources and data networks is required of all Commission members and employees.

6.38 Each Commission member and employee is responsible for the protection and confidentiality of passwords, IDs and any other access information of systems and networks. All security measures and internal controls that have been established for safeguarding the integrity and validity of computer systems, data and software must be complied with.

6.39 Unauthorised duplication of copyrighted computer software violates the law. Strict compliance with all licence or purchase terms regulating the use of any software acquired or used must be maintained.

Compliance with laws and regulations

6.40 Commissions employees are expected to ensure that their actions conform to the requirements of the applicable Laws and regulations within their particular jurisdiction.

6.41 Whether or not an illegal act is committed in a personal capacity or as an employee of the commission, and regardless of whether a violation occurs on or off site, if that violation of Law reflects unfavourably on Commission, it will be deemed a breach of this Code of Ethics.

7. Ethical dilemmas

- 7.1. The intention of the code is not provide a comprehensive list of ethical dilemmas that may be encountered with solutions to each matter. It is the responsibility of each individual to be familiar with the code of ethics and conduct themselves in a manner that is in conformance to the values upheld by the commission and the guidance provided by this code.
- 7.2. When deliberating an ethics dilemma it is of utmost importance to consult others on the matter whether it is colleagues, line managers or executives.
- 7.3. Each dilemma will may vary in circumstance and required actions, although not an exhaustive list some of the questions below may assist in the discussion and analysis of each situation and in reaching a decision/action to be taken to address the given situation.

When assessing the dilemma and get all the facts and other information:

- a) Why is this a dilemma?
- b) Am I being asked to do something that I think might be wrong or illegal?
- c) What are my options? What risks are involved and is there anything I can put in place to control/mitigate them?
- d) What will be the consequences, and who will be affected?
- e) What is my responsibility in this situation if any?
- f) Am I aware of potentially illegal or unethical conduct on the part of others at the commission?
- g) Do I need to consult my colleagues, superiors, policies, regulations or any professional standards?

Taking action:

- a) Is the course of action my decision to make and am I unsure about the ethical course of action?
- b) Will my decision reflect negatively on the Commission?
- c) Will I be proud of the decision taken and be able to live with it?
- d) How will my family, friends, colleagues, the media and other stakeholders react to my decision?

8. Implementation

- 8.1. The ethical values and standards set out in this Code and the other policies adopted by the FFC reflect the constitutional, legislative and governance framework within which the FFC operates. Compliance with these ethical values and standards is therefore an ethical and legal obligation on Commission members and employees.
- 8.2. All Commission members and employees must endorse and subscribe to the ethical values and standards set out in this Code. It is the responsibility of the Commission to review, and when appropriate, revise the Code. The review of the Code will include a process of consultation with employees of the FFC.
- 8.3. All FFC staff will, after a process of consultation, be asked to indicate their commitment to this Code.
- 8.4. All new Commission members and employees will be given orientation and induction into the FFC's ethical values and standards and into compliance with this Code of Ethics. Compliance with the Code of Ethics will be a term of employment for all new employees and a condition of contract for Commission members.

9. Sanctions

- 9.1. The FFC will consider any contravention of the Code as a serious matter. In a similar vein, any investigation that is conducted into any suspected or alleged contravention will be treated confidentially.
- 9.2. In the event of a Commission member or employee believing that his/her actions have or may have been in contravention of the Code, he/she should either advise his immediate supervisor (or the Chairperson and / or CEO as relevant) or report the matter to a person at management level or the Chairperson and / or CEO as relevant.
- 9.3. Where a Commission member or employee suspects that a fellow Commission member or employee has contravened the Code, this should be reported promptly and confidentially, preferably in writing, to their immediate supervisor

(or the Chairperson and / or CEO as relevant) or a person at management level or the Chairperson and / or CEO as relevant.

- 9.4. The Commission member or employee making the report should not confront the suspected individual. This will facilitate the maintaining of confidentiality and impartiality of any subsequent investigation into the matter and also limit the risk of damaging the reputation of the suspected person should it be found that the suspicion is unfounded.
- 9.5. Any breach or suspected breach of ethical standards by a Commission member or employee will be dealt with in accordance with the applicable disciplinary policies and procedures.
- 9.6. It is the responsibility of the Commission to bring any breach of ethical standards by a Commission member to the attention of the President of the Republic of South Africa through the office of the Minister of Finance.
- 9.7. The FFC will not conclude contracts or collaborate with any third party that has sought in any sphere of activity to improperly influence day-to-day activities and decision-making within the FFC.