

Form Tech 1: Litigation and Enforcement History Form

This Form shall be completed by all CFs that presents proposals.

The questions below are intended to identify legal actions that could indicate that the CF – or people closely associated with it – engaged in serious misconduct. This information is relevant to the IDB’s assessment of integrity and reputational risks associated with the proposed project. The questions are relatively complex because they are intended to identify:

- past or ongoing legal actions in which it is alleged that (add details)
- the CF or individuals/entities closely associated with it (add details)
- engaged in serious criminal, civil or regulatory misconduct.

Persons and entities closely associated with a CF include senior managers and key employees (a “key employee” is an employee of the CF responsible for management or implementation of the contract to be entered into with the IDB.)

Not all crimes or civil/regulatory offenses are relevant to an assessment of integrity or reputational risk. Relevant offenses include – but are not limited to – the following:

- Serious criminal misconduct: What constitutes a serious crime may vary according to local law, but should include: corruption and bribery, fraud, terrorist financing or money laundering, robbery or theft; insider trading, market manipulation, and murder among others.
- Serious ethical or financial misconduct: Examples of serious financial or ethical misconduct are bid rigging, money laundering, price fixing, fraud, tax evasion, manufacturing or selling banned products.

In case of doubt regarding whether a crime is “serious”, please disclose.

Considering the above, the CF should answer the following questions and provide a detailed explanation on a separate sheet, if response to any question is affirmative.

<p>1) To the best of your knowledge is the CF, or any senior manager or key employee of the CF, subject to any litigation (whether civil or criminal,) or regulatory proceedings in which the CF or any board member, senior manager or key employee of CF is alleged to have engaged in:</p> <p>a) serious criminal misconduct; or b) serious financial or ethical misconduct?</p>	<p>Confirm: Yes_____/No_____</p>
<p>2) To the best of your knowledge, is the CF or any senior manager or key employee of the CF, the subject of any investigation assessing whether the CF or any board member, senior manager or key employee of CF may have engaged in:</p> <p>a) serious criminal conduct; or b) serious financial or ethical misconduct?</p>	<p>Confirm: Yes_____/No_____</p>

Annexes

<p>3) To the best of your knowledge, has the CF or senior manager or key employee of the CF, been the sanctioned or found by a criminal, civil or regulatory authority to have engaged in:</p> <p>a) serious criminal conduct; or</p> <p>b) serious financial or ethical misconduct?</p>	<p>Confirm: Yes____/No____</p>
--	------------------------------------

I, _____, certify that I am _____ of _____; that by signing this Proposal for and on behalf of _____ I am certifying that all information contained herein is accurate and truthful and that the signing of this Proposal is within the scope of my powers.

(Signature) (Seal)

(Printed Name and Title)

(Date)

Form Tech 2: Certificate of Consulting Firm Eligibility and Authority to Sign Proposal

This Form shall be completed by all CFs at the time they submit their proposals.

<u>CF Eligibility Confirmation and Information</u>	<u>CF's Response</u>
1. What year was your firm/organization established?	
2. In what province/state/country is your firm/organization established?	
3. Has your firm/organization ever filed or petitioned for bankruptcy? (If YES, explain in detail the reasons why, filing date, and current status.)	Yes___/No___
4. Have you ever been terminated for non-performance on a contract? If YES, describe in detail in a separate Annex.	Yes___/No___
5. Has the CF, or to the best of your knowledge, controlling shareholder, senior manager or key employee of the CF ever been suspended or debarred by any government, a UN agency or other international organization, including the IDB Group, the World Bank Group, the African Development Bank Group, the Asian Development Bank or the European Bank for Reconstruction and Development? If YES, provide details, including date of reinstatement, if applicable, in a separate Annex.	Yes___/No___
6. It is the IDB's policy to require that participants in Bank financed activities observe the highest standard of ethics during the selection and execution of contracts. In this context, any action taken by a CF (or any of its sub-contractors, service providers or suppliers participating in the proposal or contract execution) to influence the selection process or contract execution for undue advantage is improper. IDB defines Prohibited Practices as follows: <ul style="list-style-type: none"> (i) "corrupt practice" is the offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party; (ii) "fraudulent practice" is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation; (iii) "coercive practices" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party; (iv) "collusive practices" is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party; (v) "Obstructive practice" is: <ul style="list-style-type: none"> (aa) deliberately destroying, falsifying, altering or concealing evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or (ab) acts intended to materially impede the exercise of the Bank's inspection and audit rights. <p>Has the CF including their respective officers, employees or agents, or to the best of your knowledge, sub-contractors, service providers or suppliers, engaged in any corrupt, fraudulent, collusive, coercive or obstructive practices in competing for this contract?</p>	Yes___/No___
7. Are you, or any of your sub-contractors, to the best of your knowledge, engaged in any activity that would put you or your sub-contractors, service providers or suppliers, if selected for this assignment, in a conflict of interest with the Bank?	Yes___/No___

Annexes

8. Has the CF including their respective officers, employees or agents, or your sub-contractors, to the best of your knowledge, been associated or involved in any way, directly or indirectly, with the preparation of the Terms of Reference, and / or other documents used as part of this Request for Proposals?	Yes ___/No ___
9. Bank policy restricts companies from bidding on or receiving a Bank financed contract if a Bank staff member within and including the fourth degree of consanguinity and the second degree of affinity is a relative of an owner, officer, partner or board member of such company; or has a financial interest in such company. The term "relative" includes: spouse, mother, father, brother, sister, child, uncle, aunt, nephew, niece, (son-daughter-brother-sister)-in-law, grandparent, grandchild, first cousin, step-(parent-children-brother-sister), (parent or grandparent)-in-law, spouses of brothers-in-law or sisters-in-law, great (grandchild-uncle-aunt-nephew-niece-grandparent) and great-great (grandparent-grandchildren). Do you confirm that both the consulting firm and its Sub-contractors are not in a situation of conflict of interest situation as the one described above?	Yes ___/No ___
10. Confirm that CF and your Sub-contractors understand IDB privileges and immunities, including immunity from taxes. By confirming you understand that these privileges and immunities do not apply to the CF or Sub-contractors.	Yes ___/No ___
11. Confirm that the CF understands its own responsibility for paying any taxes related to income, personnel, etc.	Yes ___/No ___
12. Confirm that the CF's price proposal is submitted in the specified currency.	Yes ___/No ___
13. Confirm that the CF will meet the eligibility requirements as stated in the IDB CFs' Registration Web Site (Vendor Registration)	Yes ___/No ___
14. Please confirm that CF's Financial Statements for the most recent two (2) years are attached.	Yes ___/No ___

I, _____, certify that I am _____ of _____; that by signing this Proposal for and on behalf of _____ I am certifying that all information contained herein is accurate and truthful and that the signing of this Proposal is within the scope of my powers.

 (Signature) (Seal)

 (Printed Name and Title)

 (Date)