

Bid Submission Compliance and Risk Data Annex

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| **PROJECT NAME** | Request for Proposal for Provision website upgrade, development, support and maintenance services for the ACS website for the ACS Secretariat. |
| **PROPOSED CONTRACT AGENT** | INSERT PROSPECTIVE SUPPLIER NAME |
| **PROCUREMENT DETAILS** | Technical service implementation for new ACS Secretariat web site inclusive of data migration and service support. |

**Instructions**

This document is intended to provide the Association of Caribbean States with Integrity Compliance and Risk Assessment information for reference checking and internal guidance for Tender Assessments. It is comprised of three sections which include questions or tables intended to solicit due diligence information for your assessment as a Proposed Contract agent (vendor) identified with reference to the project name identified above. Please answer all questions and complete all tables.

**Confidentiality**

This document contains confidential and proprietary information of the Association of Caribbean States and shall not be disclosed or in whole or in part to any third party or to any other than those that would be required to have access to such information. The information contained within it shall not be duplicated or used for any other purpose than to aid in the evaluation process of a vendor proposing to provide services to the Association of Caribbean States in response to a formal Request for Proposal (RFP). This restriction does not however limit the Association of Caribbean States right to use the information contained herein to obtain information or requirements from another source such as suppliers, contractors, insurance agents, financial institutions, or other service provider as may be necessary for the completion of a comprehensive evaluation.

**Terms & Conditions**

The issuance of this document does not constitute an offer to trade and the Association of Caribbean States is not bound to conduct any business based on any submissions or responses to it. Any subsequent arrangements are subject to contract negotiation and such contracts must be issued and agreed upon prior to commencement of any business and written confirmation in writing from the Office of the Secretary General at the ACS Secretariat.

# Section 1 | Declarations

The undersigned [*INSERT NAME*] hereinafter referred to as the Signatory in Section 3 of this document, representing [*INSERT FULL LEGAL NAME OF PROSPECTIVE SUPPLIER*] hereinafter referred to as the Bidder with an official address of [*INSERT OFFICIAL ADDRESS*] confirm that I am authorized to complete this document on behalf of the Bidder. I, the Signatory, also declare the following with respect to the Bidder apply as an as an individual/business or business' directors or partners:

Table 1: DECLARATION AND CERTIFICATION DETAILS

|  |  |  |  |
| --- | --- | --- | --- |
| COMPLIANCE | DETAILS | YES | NO |
|  | Has your organization ever operated under conditions of contract in which financial penalties could be incurred? |  |  |
|  | Has your organization ever been asked to pay financial penalties levied in respect of failure to fulfil to the terms of a contract? |  |  |
|  | Has your organization ever had a contract terminated, or your employment determined under the terms of a contract? |  |  |
|  | Has your organization ever been refused renewal of a contract for failure to fulfil the terms of the contract? |  |  |
|  | Has your organization ever withdrawn from a contract before the end of the agreed contract period? |  |  |
|  | Has your organization ever been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person 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: |  |  |
|  | 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; |  |  |
|  | 1. entering into agreement with other persons with the aim of distorting competition; |  |  |
|  | 1. violating intellectual property rights; |  |  |
|  | 1. attempting to influence the decision-making process of the contracting authority during the award procedure; |  |  |
|  | 1. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure; |  |  |

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| --- | --- | --- | --- |
| COMPLIANCE | DETAILS | YES | NO |
|  | Is bankrupt, subject to insolvency or being wound up, affairs are being administered by a liquidator or by the court, who has entered into an agreement with creditors, who has suspended business activities or who is in any similar position arising from national laws and regulations? |  |  |
|  | Is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding-up or administration by the court, or for an arrangement with creditors or of any similar proceedings under national law and regulations? |  |  |
|  | Has been convicted of an offence concerning his professional conduct by a judgement which has the force res judicata. |  |  |
|  | Has been guilty of grave professional misconduct proven by any means which the contracting agency can justify. |  |  |
|  | Has not fulfilled obligations relating to the payment of Income Tax contributions or Social Security contributions in accordance with the legal provisions of the country in which he is established, or with those of the country of the contracting agency. |  |  |
|  | Has failed to complete a contract under any circumstances within the last three years? |  |  |
|  | Participation in a criminal organization which is defined as a structured association[[1]](#footnote-1), established over a period of time, of more than two persons acting in concert with a view to committing offences, to obtain, directly or indirectly, a financial or other material benefit. |  |  |
|  | Has engaged in money laundering or terrorist financing? |  |  |
|  | Has engaged in terrorist-related offences or offences linked to terrorist activities? |  |  |
|  | Has engaged in child labour or other forms of trafficking in human beings? |  |  |
|  | Is under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Compendium of United Nations Security Council Sanctions Lists; |  |  |
|  | Has been suspended, debarred, sanctioned or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization |  |  |
|  | Has been suspended, debarred, sanctioned or otherwise identified as ineligible by any OECS, CARICOM, OAS or ACS Member State |  |  |

# Section 2 | Declarations: Conflicts of Interest

Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:

1. Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by ACS to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process;
2. Were involved in the preparation and/or design of the programme/project related to the goods and/or services requested under this procurement of the goods and services procedure; or
3. Are found to be in conflict for any other reason, as may be established by, or at the discretion of ACS.

In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to ACS, and seek ACS’s confirmation on whether or not such conflict exists.

Similarly, the Bidders must disclose in their Bid their knowledge of the following:

1. If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel who are family members of ACS staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving goods and/or services; and
2. All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.

Failure to disclose any such information may result in the rejection of the Bid or Bids affected by the non-disclosure.

The eligibility of Bidders that are wholly or partly owned by any Government shall be subject to ACS’s further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this procurement process, among others. Any conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Bid.

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| --- | --- | --- | --- |
| COMPLIANCE | DETAILS | YES | NO |
|  | Has any potential conflict described in Section 2 above occurred? |  |  |

# Section 3 | Eligibility and Qualification Responses

Table 2: HISTORY OF NON- PERFORMING CONTRACTS

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| COMPLIANCE | DETAILS | | YES | | NO |
|  | Non-performing contracts did not occur during the last 3 years? | |  | |  |
|  | Contract(s) not performed in the last 3 years | |  | |  |
| YEAR | CLIENT CONTRACT DETAILS | NON PERFORMED PORTION OF CONTRACT | | TOTAL CONTRACT VALUE | |
|  | Name of Client:  Address of Client:  Reason(s) for non-performance: |  | |  | |
|  | Name of Client:  Address of Client:  Reason(s) for non-performance: |  | |  | |

Table 3: LITIGATION HISTORY (INCLUDING PENDING LITIGATION)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| COMPLIANCE | DETAILS | | YES | | NO |
|  | No litigation history for the last 3 years? | |  | |  |
|  | Litigation History as indicated below | |  | |  |
| YEAR | CLIENT CONTRACT DETAILS | DISPUTE VALUE | | TOTAL CONTRACT VALUE | |
|  | Name of Client:  Address of Client:  Matter in dispute:  Party who initiated the dispute:  Status of dispute:  Party awarded if resolved: |  | |  | |
|  | Name of Client:  Address of Client:  Matter in dispute:  Party who initiated the dispute:  Status of dispute:  Party awarded if resolved: |  | |  | |

# Section 4 | Certification

The Signatory declares that the Bidder is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications for the project identified as the Request for Proposal for Provision website upgrade, development, support and maintenance services for the ACS website for the ACS Secretariat and referred to in page one (1) of this document.

The Signatory understands and agrees that any misrepresentation, falsification or omission of information requested in this document may cause the Bidder to be subject to disqualification and/or sanctioning (exclusion or financial penalty) if any of the declarations or information provided herein as a condition for any assessment or evaluation process prove to be false.

Table 4: DECLARATION AND CERTIFICATION

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| --- | --- |
| Date: |  |
| Full Name (BLOCK LETTERS): |  |
| Title (BLOCK LETTERS): |  |
| Signature: |  |
| Official Stamp: |  |

\* \* \*

1. ‘Structured association’ as referenced means an association that is not randomly formed for the immediate commission of an offence, nor does it need to have formally defined roles for its members, continuity of its membership, or a developed structure. [↑](#footnote-ref-1)