



# Caribbean Community Climate Change Centre

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## **BIDDERS ELIGIBILITY, EXCLUSIONS, CONFLICTS, PROHIBITED PRACTICES AND OBLIGATIONS**

### **1.0 Eligibility Criteria.**

In order to foster competition, the Centre allows eligible entities (firms, consultants, consortia and individuals) from all countries to participate in procurement opportunities. Any conditions for participation shall be limited to those that are essential to verify the entities capability to fulfill the contract in question.

- 1.1 Government-owned enterprises in the Member States may participate only if they can establish that they are legally and financially autonomous, operate under commercial law, and are not dependent agencies of the Centre.
- 1.2 The specific Financing/Project Agreement sets guidance for the participation of countries in the provision of goods and services – Nationality of Firms and Origin of Goods.
- 1.3 Bidders and Vendors must not fall into any of the following situations: are bankrupt or have been wound up, having been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State; guilty of grave professional misconduct; not in compliance with payment of social security or taxes in accordance with the legal provisions on the country in which they are established.

### **2.0 Exclusionary Criteria**

The following are conditions that govern the exclusion of individual consultants, firms or goods from the procurement process:

#### **Consultants of a country or goods manufactured in a country may be excluded if:**

- 2.1 As a matter of law or official regulation, the given Member Country or Project Sponsor prohibits commercial relations with that country or
- 2.2 By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Member country or Project Sponsor prohibits any import of goods from, or payments to, a particular country, person, or entity.



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- 2.3 The Member country or Project Sponsor prohibit payments to a particular individual consultant, firm or for particular goods by such an act of compliance, that firm may be excluded.
- 2.4 The firm is on the sanctions lists of any organ of the United Nations, World Bank, or Project Sponsor.
- 2.5 A firm, consultant, supplier declared ineligible (suspended or sanctioned) by the Centre shall not be awarded a contract for the duration of its ineligibility as determined by the Centre.

## **3.0 Conflict of Interest, Unfair Advantage or Prohibited Practices**

None of the parties involved in the Centre's procurement process shall have a conflict of interest, unfair advantage or engage in prohibited practices. The following are conditions that govern conflict of interest, unfair advantage or prohibited practices.

### 3.1 Conflicting activities

- A firm that has been engaged by the Centre to provide goods, works or services other than consulting services for a project, and any of its affiliates, shall be disqualified from providing consulting services related to those goods, works or services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and any of its affiliates, shall be disqualified from subsequently providing goods or works or services other than consulting services resulting from or directly related to the firm's consulting services for such preparation or implementation. For the purpose of this paragraph, services other than consulting services are defined as those leading to a measurable physical output, for example surveys, exploratory drilling, aerial photography, and satellite imagery.

### 3.2 Conflicting assignments

- A Consultant (including its Personnel and Sub-Consultants) or any of its affiliates shall not be hired for any assignment that, by its nature, may be



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in conflict with another assignment of the Consultant to be executed for the same or for another Centre. For example, a Consultant hired to prepare engineering design for an infrastructure project shall not be engaged to prepare an independent environmental assessment for the same project, and a Consultant assisting a Centre in the privatization of

public assets shall not purchase, nor advise purchasers of, such assets. A Consultant hired to prepare Terms of Reference for an assignment should not be hired for the assignment in question.

### 3.3 Conflicting relationships

- A Consultant (including its Personnel and Sub-Consultants) that has a business or family relationship with a member of the Centre's staff who is directly or indirectly involved in any part of (i) the preparation of the Terms of Reference of the assignment, (ii) the selection process for such assignment, or (iii) supervision of the Contract, may not be awarded a Contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to the Centre throughout the selection process and the execution of the Contract.

### 3.4 Unfair Advantage

- If a shortlisted Consultant could derive a competitive advantage from having provided consulting services related to the assignment in question, the Centre shall make available to all shortlisted Consultants together with this REOI all information that would in that respect give such Consultant any competitive advantage over competing Consultants.

### 3.5 Prohibited Practices

- The Centre requires that all parties involved in a project executed by the Centre, including inter alia bidders, suppliers, contractors, consultants and concessionaries (including their respective officers, employers and agents) and Centre Staff adhere to the highest ethical standards and refrain from directly or indirectly encouraging, participating or engaging in Prohibited Practices during the bidding process and throughout negotiation or execution of a contract. The parties are expected to observe the highest standards of integrity and to take measures where appropriate to prevent and combat Prohibited Practices, including acts of:



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- corrupt practice
  - fraudulent practice
  - coercive practice
  - collusive practice
  - obstructive practice
  
  - abuse
  - financing of Terrorism
  - retaliation against Whistle-blowers or Witnesses
  - money laundering
  - tax evasion

## 4.0 Bidders Obligations

Non-compliance with the applicable Centre's Procurement Policy and Procedures may result in the application of the legal remedies of the contractual agreement with the party and/or declaration of mis-procurement.

- 4.1 Bidders have an obligation to disclose any situation of actual or potential conflict that impacts their capacity to serve the best interest of their Centre, or that may reasonably be perceived as having this effect. Failure to disclose said situations may lead to the disqualification of the Bidder or the termination of its Contract.
  
- 4.2 Government officials and civil servants of the Recipient's country are not eligible to be included as Experts in the Consultant's Proposal unless such engagement does not conflict with any employment or other laws, regulations or policies of the Recipient's country and they (i) are on leave of absence without pay, or have resigned or retired, for a period of at least 6 (six) months, or the period established by statutory provisions applying to civil servants or government employees in the Recipient's country, whichever is longer.; (ii) are not being hired by the same agency they were working for before going on leave of absence without pay, resigning or retiring; and (iii) their hiring would not create a conflict of interest.