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The Integrity Learning Series

Anticorruption and Integrity Training for India Project Directors

Donabel Atienza
Integrity Officer

6 June 2023

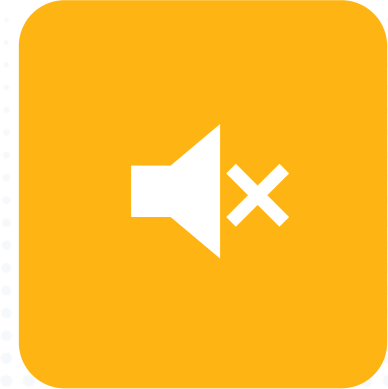
Reminders



The session is
being recorded



Type in your questions
through Q&A at any time



Please remain on
mute if not speaking

Objectives



Increase awareness of potential integrity risks and remedial actions



Refresh your knowledge of ADB's Integrity framework



Improve skills in corruption and integrity risk detection, risk assessment, and prevention

Integrity Risk Impact

“

Corruption is the **single greatest obstacle** to economic and social development around the world.

Every year, **\$1 trillion** is paid in bribes, while an estimated **\$2.6 trillion** are stolen annually through corruption.

A sum equivalent to more than **5%** of the global GDP.

United Nations Security Council 10 September 2018

ADB's Anticorruption Framework



Promoting efficient, effective, accountable, and transparent public administration including good governance and capacity building



Supporting anticorruption efforts in the region through quality dialogue with the DMCs



Ensuring that ADB projects and staff adhere to the highest ethical standards



Corruption is commonly understood as the **abuse of public or private office for personal gain.**

ADB's Anticorruption Framework



Policy and Guidelines



Operational Instructions

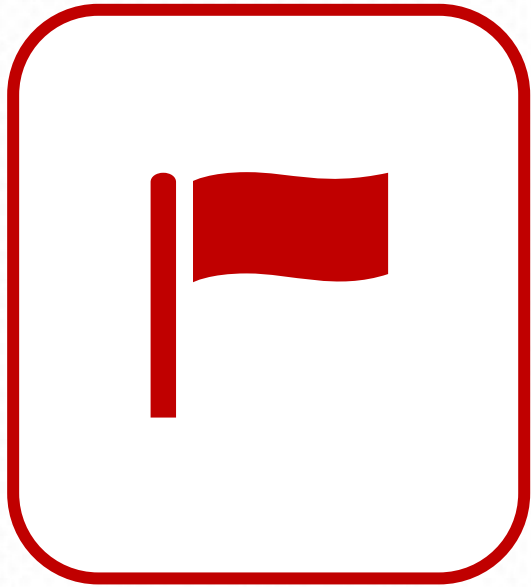


Administrative Orders

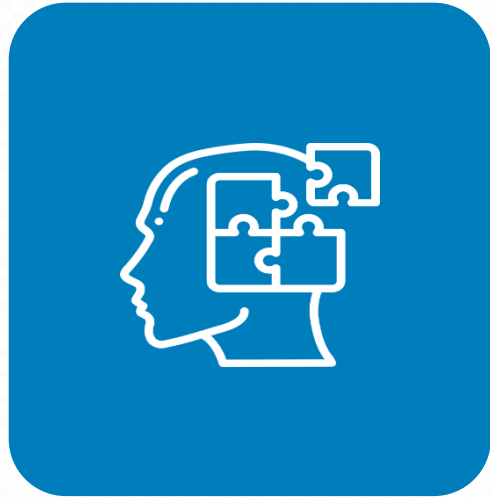


Applies to **executing** and **implementing agencies, contractors, consultants, suppliers, ADB staff, and anyone** connected to an ADB-financed, administered, or supported activity.

Recognizing and Reducing Risk



Be alert to the
red flags of
integrity risks.



WHY?



WHO?



WHEN?

Factors in Conducting Due Diligence



Conducting Due Diligence: Sanctions checks



Help your EA/IA understand their obligations

Sanctions List

The following page lists the entities sanctioned by the Asian Development Bank (ADB) and also those cross-debarred by all other Multilateral Development Banks (MDBs). These entities are not eligible to participate in ADB-financed, -administered, or -supported activities for violating the specified Anticorruption Policy.

COMPLETE

PUBLISHED LIST
Accessible to the public

Published List (No Login Required)

What you will see in the list:

- Sanctions violation while ineligible
- Second and subsequent violations
- Debarred entities who are uncontactable
- Cross debarred entities
- Subset of the complete list

[VIEW PUBLISHED LIST](#)

Complete List (For authorized users only)

What you will see in the list:

- Published List
- First violations

This is a secure application operated by ADB for its official business. Only those given access to the application can access the list.

[VIEW COMPLETE LIST](#)

Password-protected,
accessible to:

- ADB Staff
- BoD
- Parties with a “need to know”: international organizations, bilateral and government partners
- EAs and IAs

Requesting Access

Sanctions List

The following page lists the entities sanctioned by the Asian Development Bank (ADB) and also those cross-debarred by ADB from other Multilateral Development Banks (MDBs). These entities are not eligible to participate in ADB-financed, -administered, or -supported activities for violating the specified Anticorruption Policy.

Published List *(No Login Required)*

What you will see in the list:

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[VIEW PUBLISHED LIST](#)

Complete List *(For authorized users only*)*

What you will see in the list:

- Published List
- First violations

This is a secure application operated by ADB for its official business. Only those given access to the application can access the list.

Are you a registered user?

[LOGIN](#)

Are you a qualified (non-ADB staff) user who needs access to the complete sanctions list?

[SIGN-UP](#)

Qualified users:

- Officially involved in an ADB-financed, -administered or -supported activity (e.g. Project Director, Deputy Project Director)
- Favorably endorsed by ADB Project Officer

If you have problems submitting the online application, please download the [Application Form](#), complete it and email to integrity@adb.org

Sign up here

Manual form available

<http://sanctions.adb.org>

Requesting Access

Apply for access to Asian Development Bank full sanctions list:

* - required fields

Your Name *	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<i>First Name</i>	<i>Middle Name</i>	<i>Last Name</i>
User Name / Password *	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<i>User Name</i>	<i>Password</i>	<i>Confirm Password</i>
Designation * <i>(i.e. Deputy Secretary / Proj Officer)</i>	<input type="text"/>		
Organization / Agency * <i>(i.e. name of Organization, Ministry, Employer, etc)</i>	<input type="text"/>		
Address *	<input type="text"/>		
Country *	<input type="text"/>		
Telephone Number *	<input type="text"/>		
Fax Number	<input type="text"/>		
Email Address *	<input type="text"/>		

In connection with this application, I confirm that:

I am involved in an ADB-financed, administered or supported activity in my capacity as:

Designation * <i>(i.e. Project Director etc)</i>	<input type="text"/>
Project(s) *	<input type="text"/>
ADB Loan number(s) *	<input type="text"/>

Project is being executed/implemented by:

Organization / Agency *	<input type="text"/>
-------------------------	----------------------

ADB Project Officer's contact information:

Project Officer *	<input type="text"/>
Officer's ADB Email *	<input type="text" value="@adb.org"/>
Information on why access is required	<input type="text"/>

Make sure you fill in the name of an ADB project officer and email address who can verify your involvement in the project

If granted access, I shall use the information in ADB Sanctions List exclusively in connection with the project identified above. I shall protect the confidentiality of the information and use it only for the purpose for which the access has been granted.

The information will be granted without prejudice to the privileges and immunities conferred on ADB and its officers and

Searches

Complete Sanctions List

Search:

TIP: Use the * for better search results. Type *example* to list all entities containing the text 'example' anywhere in the line.

Category:

View by:

Filter by:

105 documents for query "India"

Page: 1 | 2 | 3 | 4

Name	Address	Sanction Type	Other Name/Logo	Nationality	Effect Date Lapse Date	Grounds
LLOYD INFOTECH (INDIA) PRIVATE LIMITED	159, OKHLA INDUSTRIAL ESTATE, PHASE-III,, NEW DELHI -110020 India	Debarred		India	20/Apr/2020 No Date	Cross-Debarment: WB
BRC Constructions	B R C Constructions 107, Manikanth Complex Besides Swamy Talkies Sanathnagar, Hyderabad INDIA or Plot No. 268 Officer's Colony Malakpet, Hyderabad 036 INDIA (Undelivered)	Debarred		India	23/Jun/2004 No Date	Debarred, not contactable.

Search Functionality

Complete Sanctions List

Search:

TIP: Use the * for better search results. Type *example* to list all entities containing the text 'example' anywhere in the line.

Category:

View by:

Filter by:

 Search names using the search bar

 Avoid including common terms when searching

 Remove leading terms such as "M/S, or M/S." from company names

"Ltd", "Company", "LLC"
Example: Use "A2Z" when searching for A2Z Waste Management

Searches

Search:

GO

TIP: Use the * for better search results. Type *example* to list all entities containing the text 'example' anywhere in the line.

14 documents for query "A2Z"

Name	Address	Sanction Type	Other Name/Logo	Nationality	Effect Date Lapse Date	Grounds
A2Z WASTE MANAGEMENT (LUDHIANA) LTD.	PLOT NO. B. 38, INSTITUTIONAL AREA, SECTOR -32, GURUGRAM- 122001, HARYANA, INDIA	Debarred		India	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB
A2Z WASTE MANAGEMENT (ALIGARH) LTD.	PLOT NO. B. 38, INSTITUTIONAL AREA, SECTOR -32, GURUGRAM- 122001, HARYANA, INDIA	Debarred		India	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB
A2Z INFRA SERVICES LTD.	O-116, 1ST FLOOR, DLF SHOPPING MALL, ARJUN MARG, DLF PH-I GURUGRAM - 122002, HARYANA, INDIA	Debarred		India	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB
A2Z POWERCOM LTD.	O-116, 1ST FLOOR, DLF SHOPPING MALL, ARJUN MARG, DLF PH-I GURUGRAM - 122002, HARYANA, INDIA	Debarred		India	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB
RISHIKESH WASTE MANAGEMENT LTD. (FORMERLY KNOWN AS A2Z POWERTECH LTD.)	O-116, 1ST FLOOR, DLF SHOPPING MALL, ARJUN MARG, DLF PH-I GURUGRAM - 122002, HARYANA, INDIA	Debarred		India	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB
A2Z INFRA SERVICES LANKA PVT. LTD.	BOC MERCHANT TOWER, LEVEL 8, NO: 28 ST. MICHAEL'S ROAD, COLOMBO 3, SRI LANKA	Debarred		Sri Lanka	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB
A2Z INFRA ENGINEERING LIMITED(Previously known as A2Z Maintenance & Engineering Services Limited)	PLOT NO. B-38, SECTOR 32, INSTITUTIONAL AREA, GURGAON - 122001, HARYANA INDIA	Debarred		India	8/Dec/2020 11/Nov/2024	Cross-Debarment: WB
A2Z WASTE MANAGEMENT (NAINITAL) PRIVATE LIMITED	PLOT NO. B-38 INSTITUTIONAL AREA, SECTOR 32, GURGAON, 122001, HARYANA, INDIA	Debarred		India	23/Jun/2021 11/Nov/2024	Cross-Debarment: WB

Executing agencies (EAs) are responsible for sanction screening

Procurement of Goods and Works - Stages



Procurement of Consulting Services



United Nations Security Council Sanctions: Obligations



United Nations Security Council Sanctions

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United Nations Security Council Consolidated List

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- [Individuals](#)
- [Entities](#)
- Mailing list Subscription

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United Nations Security Council Consolidated List

Search function



Project Implementation Processes

Procurement

Bidding

Prequalification; bidding documents preparation; and bid advertisement, submission, and opening

Bid evaluation

Assessment of bidders' compliance with bidding requirements, and preparation and approval of evaluation report

Contract award

Post-bid evaluation activities until contract is awarded and signed

Contract & Asset Management

Contract administration

The management of the day-to-day practicalities and administrative requirements under the contract

Output monitoring

Engagement with/supervision of contractors, consultants, and suppliers in relation to project outputs

Asset control

Safeguarding and maintenance of project assets including asset inventory

Financial Management

Expenditure management

Approval and processing of payments for project expenditures

Financial reporting

Project accounting and auditing

These sub-processes reflect those assessed by OAI and do not necessarily reflect all sub-processes that exist within each process.

Mitigating Measures: Vulnerabilities in Bid Evaluation

The executing/implementing agency should hold pre-bid meetings for high-value, high-risk, or complex procurement, where bidding requirements are carefully discussed with bidders. These requirements must be understood by the bidders and consistently applied by the BEC.

BEC/CSC members should undergo hands-on training on all aspects of bid evaluation, especially due diligence, before embarking on new bid evaluation assignments. Support from ADB regional departments, supervision consultants, and engaged procurement experts may be required.

The BEC/CSC should check accuracy and completeness of information in BERs/Submissions before submitting these for ADB's no-objection. For transparency, decisions made and justifications for deviations should be properly documented in the BERs/Submissions.

Conflict of Interest

Letter of Bid

NOTE
The bidder must

Bid Submission Sheet

NOTES

1. The bidder must accomplish the Bid Submission Sheet and address.
2. To be used for Single-Stage Bidding (SSB) only. Bidder's complete name

To: [insert details of the client]

We, the undersigned, hereby certify that we have no conflict of interest with participating firms.

Date:

International Competitive Bidding (ICB) No.:

Invitation for Bid (IFB) No.:

Alternative No.:

[Insert identification no. if this is an alternative bid; if alternative bid is not permitted, delete this field]

Review bid/proposals to identify potential or actual COI. BEC/CSC members should also ensure that they have no conflict with participating firms.

Red Flags



An expert, who had a very long and productive working relationship with the executing agency (i.e., representing the executing agency in many situations, both on a retainer and volunteer basis), assisted in the request for proposal preparation for a consultant section. The expert was one of the nominated experts of the winning consulting firm in the selection.



A director of a consulting firm who was hired to assist in the bidding activities (including bidding documents preparation) was a key staff member of the winning firm in that bidding.

Case study: The firm that prepared the project is in a COI situation



- A firm would like to submit an EOI for an EA-administered consulting assignment for detailed engineering design and project readiness support consulting services.
- The firm was part of a JV that ADB previously hired under a TA to develop and prepare the proposed project. Services rendered included preparing a feasibility level design for each subproject, and to prepare the TOR for the design and implementation consultants for the ensuing project.
- The consultant's key deliverables for the (new) consulting assignment include, among others, a review of available studies and preparing a concept design that improves, upgrades, and fills gaps in the existing feasibility studies.

Case study: The firm that prepared the project is in a COI situation

Issue: Whether or not there is COI considering the firm's involvement in preparing the project



Finding: There is COI

- Consultant was tasked under the new contract's TOR to review, assess, and evaluate the feasibility study prepared under a related TA
- The firm (if hired) will verify, update, improve, upgrade, and fill the gap in its JV's work/output produced under the previous TA
- Firm is placed in a position where its interests could improperly influence its performance of its contractual obligations

Bidder's Qualification

Form ELI – 1: Bidder's Information Sheet

Bidder's Information	
Bidder's legal name	
In case of a Joint Venture, legal name of each partner	
Bidder's address	
Bidder's constitution	

Information on incorporation documents, shareholders, owners and managers, authorized representative, JV partners, legal address and country of constitution should be in order

Evaluation and Qualification Criteria

Form LIT – 1: Pending Litigation and Arbitration

Each Bidder must fill out this form if so required under Criterion 2.1.2 of Section 3 (Evaluation and Qualification Criteria) to describe any pending litigation or arbitration formally commenced against it.

In case of a Joint Venture, Partner's name below:
Joint Venture

Form FIN – 2: Size of Operation (Average Annual Turnover)

Each Bidder must fill out this form.

The information supplied should be the Annual Turnover of the Bidder or each member of the amounts billed to customers and received from customers less the amount of exchange at the end of the year.

Form FIN – 1: Historical Financial Performance

Each Bidder must fill out this form.

In case of a Joint Venture, Partner's name below:

In case of a Joint Venture, Partner's name below:

Joint Venture

Form EXP – 1: Contractual Experience

Fill out one (1) form per contract.

Contractual Experience

Contract

Form EXP – 2: Technical Experience

Fill out one (1) form per contract.

Technical Experience

Name of Product:

Should meet the bid qualification requirements

Bill of Quantities/List of Goods and Related Services

1. List of Goods and Related Services

The purpose of the List of Goods and Related Services (LGRS) is to briefly describe and identify the quantity of each of the Goods and Related Services that the Purchaser requires the Bidder to supply. As a part of the Schedule of Supply, the LGRS constitutes a Contract document and is a part of the Contract. The Purchaser must prepare the LGRS and include it as a part of the Schedule of Supply.

If the Goods and Related Services are grouped in lots, the Purchaser must state whether Bidders are permitted to submit Bids for individual lots or not.

[Alternative 1. Insert: “The Goods and Related Services are grouped in lots. Bids on individual lots are not permitted. Only Bids for the lots as a whole can be accepted.”]

[Alternative 2. Insert: “The Goods and Related Services are grouped in lots. Bidders shall have the option of submitting Bids for one, any combination, or all of the lots. Lots shall not be further subdivided for the purpose of bidding.”]

BOQ/LGRS and bidding documents should be authentic

Proposed Personnel/Experts

FORM TECH-6B

[Note to Consultant: Each Curriculum Vitae (CV) should have a maximum of five pages]

CURRICULUM VITAE (CV) FOR INTERNATIONAL OR NATIONAL EXPERTS

1. I understand that any willful misstatement or omission herein may lead to my disqualification or dismissal, if engaged.

2. _____ Date: _____
Expert or authorized representative of the firm]⁹ Day/Month/Year

Full name of authorized representative

Proposed personnel/experts should be aware and available

Red Flag Indicators



Translation of certificates or supporting documents: bidding documents not clear from whom attestation should be obtained from



Local government minister is strongly encouraging the project implementation unit to hire the spouse of the minister as one of the PIU consultants



In several bids over procurement of several packages, 70%-80% of unit price items in the bill of quantities were identical i.e. exactly the same unit price

Red Flag Indicators



Three firms have discussed to bid for an executing agency-administrated procurement opportunity. They have fairly amongst themselves decided to adjust the prices to ensure that one of the firms is awarded the project and the remaining two agree will cooperate for future biddings.



A bidding submission included bidder's experience which looks unreasonably large in comparison to the nature of works and contracted period. It appears that one digit was added to the contracted price in the supporting documents. Notes were attached in a local language. A photocopy was submitted as part of the bid document. In the photocopy, the numbering was not aligned in a straight line.



Submitted bid included a set of photocopied bidder's invoices as supporting their experience. No official receipt, certification of works completion or other documents issued by the client were submitted.

Red Flag – Other Examples



- Insufficient on-site monitoring and supervision of contracts
- Poor quality of works, services and goods
- Weak enforcement of professional standards
- Lack of required equipment and qualified personnel
- Contracts exceed original contract amount
- Deviation from construction design or Terms of Reference
- Submission of irregular interim and final performance certificates
- Submission of irregular contract variations (exaggerated contract amount, scope of contract)
- Manipulation of Bill of Quantities

ABD Debarments and temporary suspensions



Integrity Violations

Assess and Investigate

Remedial Actions

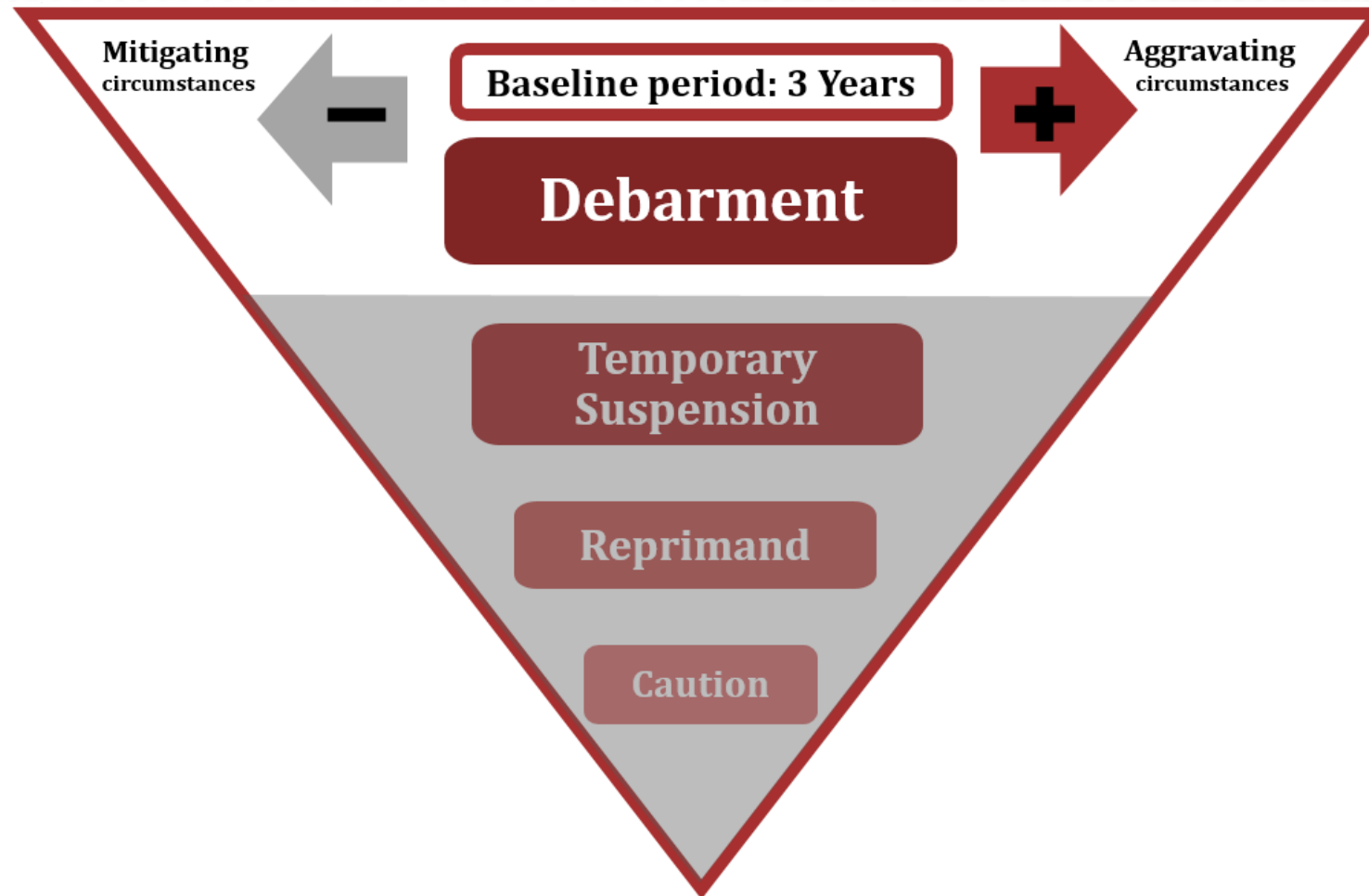
Cross Debarment

Appeal Process

Integrity Violations



Remedial Actions



Consequences of Integrity Violations in ADB-financed Projects



Sanctions of firms or individuals

Suspension of the loan or grant allocations

Termination of loan or grant allocations

Return of misused loan or grant resources back to ADB

Changes of administrative arrangements

Request to investigate or change government staff

Cross debarment



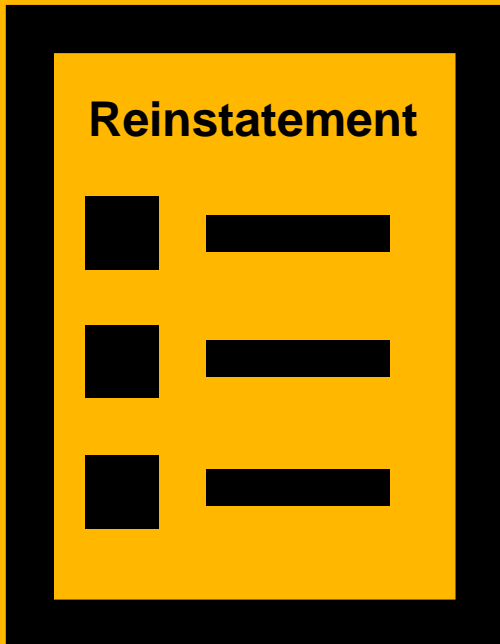
Impact while under sanction



ADB Debarments



- **Minimum** debarment period, except for indefinite debarments
- Debarred entity can **apply for reinstatement after the minimum debarment period**, unless there is a provision for early reinstatement
- **Remains debarred even after the minimum debarment period**, unless reinstatement requested and ADB has **granted**



Reinstatement is not automatic



OAI assesses the merits of reinstating



OAI informs entity of decision

Sanctions Violation

Participation in ADB-related activities while debarred, whether before or after the minimum debarment ends, may result in a **sanctions violation**.

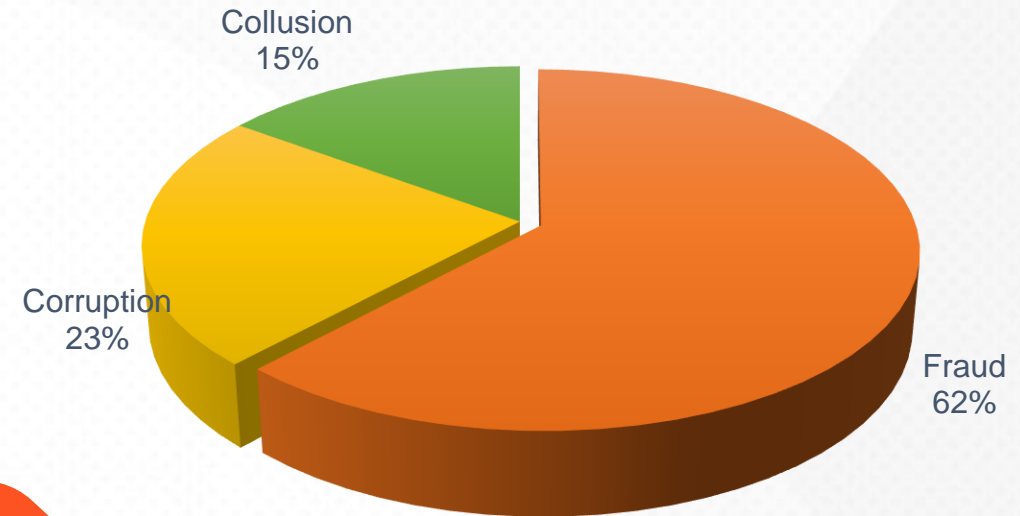
Sanctions violation is an integrity violation and may result in the extension of debarment.



Overview of ongoing cases in India projects

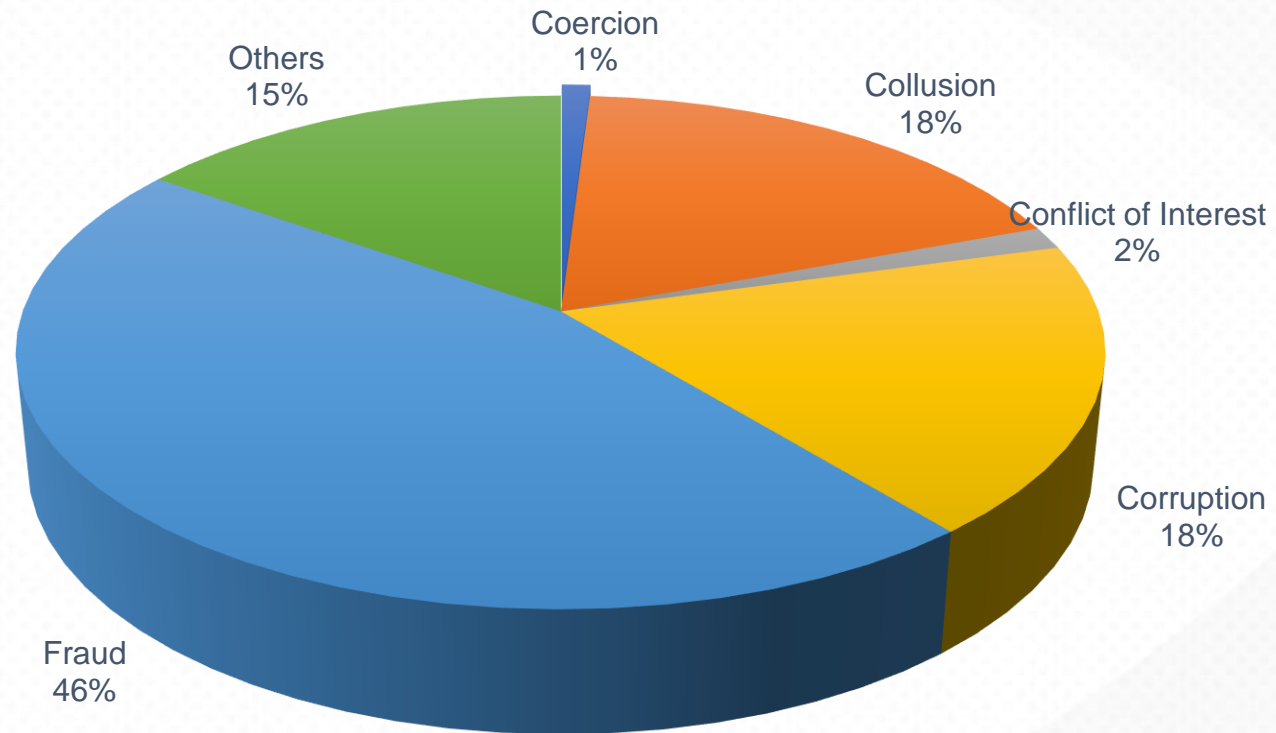
As of May 2023, there are 13 ongoing cases related to projects in **India**

62% are allegations of **fraudulent practice**



Overview of closed cases in India projects

INDIA PROJECTS INTEGRITY VIOLATIONS FOR THE PAST 10 YEARS





Know your partner

Recap



Identify and mitigate risks,
support your partner to mitigate
risks



Leverage technology for
due diligence



EAs/IAs to (i) sign up
for access to ADB's complete
Sanctions List and (ii) do the
sanctions checks



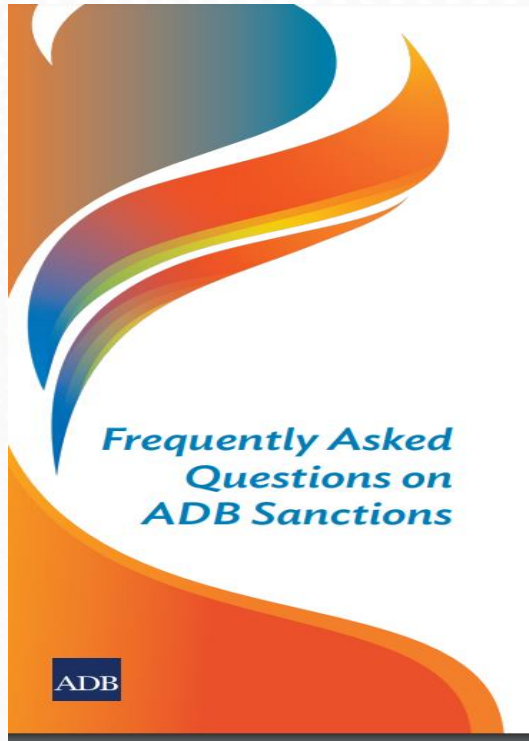
Report integrity violations to OAI

Integrity Risk Management is everyone's responsibility.



Do not assume that someone else is doing it.

Resources: For you and all EAs/IAs



Question and Answer

Office of Anticorruption and Integrity



www.adb.org/integrity



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ADB Anticorruption and Integrity



+63-2-8636 2152



Report integrity violations :

<https://www.adb.org/integrity/report-violations>

