



REQUEST FOR PROPOSAL CERTIFICATE OF COMPLIANCE FORM

Procurement No: 18-w002-21



Introduction

This Certification of Compliance Form contains the mandatory requirements, with which the Tenderer must comply. The Form must be signed by an authorized representative of the Tenderer, certifying that the Tenderer complies with all the mandatory requirements¹.

The text of this Form shall not be modified in any way. Failure to complete and sign this form and submit it in whole in accordance with the instructions described in this form will automatically result in the rejection of your Proposal.

Conflict of interest

The Tenderer must provide professional, objective and impartial advice, and at all the times hold the interest of the Government of Kiribati paramount, without any consideration for future services.

The Tenderer must strictly avoid conflicts with other assignments or their own corporate interests. Tenderers shall not be hired for any assignment that would be in conflict with their prior or current obligations to other clients, or that may place them in a position of not being able to carry out the assignment in the best interest of the Government of Kiribati.

The Tenderer should note that, if it is awarded with the present contract, it will be prohibited from engaging in any subsequent services on or in connection with the present contract for a period of two years from its expiration or termination, unless the Government of Kiribati in its sole discretion provides its written approval otherwise.

The Government of Kiribati reserves the right to judge whether the Tenderer has obtained any information or knowledge from its performance of the present contract or has had any undue influence on the Government of Kiribati on a tender procedure for subsequent services that may provide the Tenderer with an unfair advantage in the bidding process for the subsequent services. In such case, the Tenderer will be excluded from participation in a tender procedure for the subsequent services.

Please list all contracts entered into by the Tenderer or any of its associates with the Government of Kiribati during last three years or with another client for the same services:

| Contract Title and brief scope | Contract Number and Year | Client & Location |
|--------------------------------|--------------------------|-------------------|
| | | |
| | | |

Financial viability

The Tenderer must be financially solvent and financially capable to perform the proposed services and to undertake the necessary expenditures without anticipated financial difficulties and must be able to demonstrate that it is able to do so prior to a contract award **by submitting the form Availability of Financial Resources**.

The Tenderer's annual financial statements from the last three years must be submitted with the Financial Component. If the Tenderer has been in operation for a shorter period of time, the Government of Kiribati

¹ Where the Proposal is submitted by a consortium, joint venture or other type of association, this Form must be signed by an authorized representative of each member of such consortium, joint venture or association. For the purpose of this Form, each such member shall be referred to as a "Tenderer".



may in its sole discretion determine to accept a fewer number of years of financial statements or to reject the Proposal as not meeting requirements.

The Tenderer may be excluded from participation in the present and future Tender process where the Tenderer:

- (a) is bankrupt or is being wound up, where its affairs are being administered by a court, where it has entered into an arrangement with creditors, where it has suspended business activities or is in any analogous situation arising from a similar procedure under national or local laws and regulations;
- (b) if any of its officers or any of its employees or subcontractors proposed to undertake any portion of the work or deliver any of the goods has been convicted of any offence concerning professional conduct by a judgment which has the force of res judicata or has been guilty of grave professional misconduct proven by any means which the Government of Kiribati can demonstrate;
- (c) has not fulfilled obligations relating to the payment of taxes or social security contributions in accordance with the legal provisions of the country in which it is established or with those of the country where the work is to be performed or delivered; or
- (d) is guilty of misrepresentation in the information required under this section or has not supplied such information.

Validity of facts

The Tenderer must certify that each statement made in and with regard to the Proposal is accurate and factual, that it is aware that the Government of Kiribati reserves the right to verify any information provided in this regard, and that untrue statements may result in the Proposal being rejected.

Anti-corruption and criminal activities

In accordance with its Anti-Corruption Policy (see <http://www.mfed.gov.ki/our-work/central-procurement-unit>) the Government of Kiribati implements a policy of zero tolerance on fraud and corrupt practices and is committed to preventing, identifying and addressing all acts of fraud and corrupt practices against the Government of Kiribati as well as third parties involved in the Government of Kiribati activities

The Tenderer will not, either directly or through an agent, engage in coercive, collusive, corrupt or fraudulent practices in competing for, or in executing, a Contract.

The Tenderer certifies that neither it nor any of its officers, employees or subcontractors performing any part of the work or providing any of the goods:

- (a) has been convicted by a court of law in any jurisdiction, for an offence involving bribery, fraud, corruption, money-laundering, involvement in a criminal organization or any other illegal activity detrimental to interests of the Government of Kiribati; or
- (b) is currently under sanction for any above-mentioned offence imposed by a government, a governmental organization or a development organization providing development assistance.
- (c) is on the UN's sanctions list or has been debarred for a period exceeding one year or for an indefinite period by any Multilateral Development Bank, including the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank or the World Bank Group.

If the Tenderer or any of its officers, employees or subcontractors was/were sanctioned for an offence mentioned above, the details of such sanctions must be attached to the duly completed and signed Mandatory Certifications Form.



Socially responsible and environmentally safe practice

The Tenderer shall use its best efforts to refrain from any act or omission that would be environmentally harmful, and at all the times be in compliance with all environmental, health and safety laws of relevant jurisdictions.

The Tenderer will undertake to commit to the principles of the UN Supplier Code of Conduct, attached to this Form.

Public release of marks for successful Tenderer

The Government of Kiribati will publicly release the name of the Tenderer and contract amount being awarded. Tenderers shall have no right to claim against the Government of Kiribati or any of its employees, agents or servants in relation to any such disclosure of information.

Costs for Tender preparation

The Tenderer assumes responsibility for any Tender preparation or other pre-contract costs incurred during the Tender and negotiation phases.

Terms and Conditions in Tender Document

The Tenderer is expected to examine all instructions, forms, terms, conditions and specifications in the Tender Document. Failure to furnish all information or documentation required by Tender Document may result in the rejection of the Tender. By signing this certificate the Tenderer confirms that the Tenderer has read, understands and accepts all terms and conditions in the Tender Document.

I, a duly authorized representative of the Tenderer [and a member of the consortium, joint venture or other type of association with **[state members]**], hereby certify that I have read and understood the above, and that **[name of corporation]** fully comply with all the requirements described in this form. I understand that failure to comply with any of the requirements will result in the rejection of the Proposal:

Name of association (if other than Corporation)

Name of Corporation

Name of Authorized Signatory

Title of Signatory

Signature

Date of signature

Attachment: UN Supplier Code of Conduct