



HI BEST BUSINESS PRACTICES

These Best Business Practices provide the basis of all working relations between HI and its suppliers. They are general rules valid unless specific terms are mentioned in the agreement. In the event of contradictory terms between documents, the terms of the agreement or of the call for tenders file will take precedence over these Best Business Practices.

I. Supply procedures principles

HI has set up transparent procedures to attribute contracts, of which the key principles are:

- *Transparency* in the supply procedure
- *Proportionality* between procedures followed to attribute agreements and the value of contracts.
- *Equal treatment* of potential suppliers

Usual criteria to select a supplier are:

- **Authorisation to buy goods/services in the country**
- **Financial and economic capacity**
- **Technical expertise**
- **Professional capacity**

Usual criteria to attribute a contract are:

- **The principle of the lowest bid (the cheapest bid satisfying all the conditions required)**
- **Best value for money**

II. Misconduct, ineligibility and exclusion

HI considers each case of misconduct below as a valid reason to exclude a bidder from a call for tender procedure and end all working relations and agreements with them:

- **Fraud: defined as all intentional actions or omissions regarding:**
 - **The use or presentation of false, incorrect or incomplete declarations or documents, which would lead to fraudulent appropriation or reprehensible retention of HI's or institutional funding bodies' funds.**
 - **Concealment of information, having the same consequences.**
 - **Use of those funds for reasons other than those for which they had been originally attributed.**
- **Active corruption: promising or deliberately granting an advantage to any person so that they may act or refrain from acting according to their duty in such a way as to damage, or be capable of damaging the interests of HI or of institutional funding bodies.**

Direct corruption: offering HI employees money or gifts in kind to obtain additional contracts or to continue an agreement

- **Collusion: agreement between two rival companies, which would have the probable effect of increasing prices, cutting production and increasing profits of allied companies to a greater extent than their natural**



increase. An attitude of collusion is not automatically based on the existence of explicit agreements between companies. It may also be tacit.

- Coercive practices: **damaging or threatening to damage, directly or indirectly, persons or their property in order to influence their involvement in a supply procedure or influence the performance of an agreement.**
- Involvement in a criminal organisation **or any other illegal activity established by judgement by the American Government, European Union, United Nations or any other HI funding body.**
- Immoral human resources practices: **use of child labour and non-compliance with fundamental social rights and work conditions of employees or subcontractors.**

HI will exclude from the supply procedure any candidate or bidder in any of the following cases:

- Being in a situation of **bankruptcy** or liquidation, or in receivership, in an arrangement situation (with creditors), having suspended business, in proceedings relating to those subjects or in a similar situation resulting from a procedure resulting from national regulations or law.
- Being **sentenced for an offence** within the framework of its professional activity by a court decision having the force of res judicata.
- Having been found **guilty of grave professional misconduct** proven by any means
- Not having satisfied obligations relating to the payment of **social security contributions or tax** in compliance with legal provisions, either in the country in which the business is established in HI's country of intervention or in the country in which the Agreement will be executed.
- Having been **found guilty of fraud**, corruption, involvement in a criminal organisation or any other illegal activity that could damage the financial interests of communities.
- Having been declared responsible for **grave breach of contract** due to non-compliance with contractual obligations in a previous procurement procedure.

HI will not attribute agreements to candidates or bidders who, in the course of the procedure will be:

- **the subject of conflicting interests**

- guilty of inaccurate declarations by providing information requested by HI to take part in the agreement procedure or by not providing such information.

III. Administrative and financial sanctions

Should the supplier, candidate or bidder be involved in corruptive, fraudulent, collusive or coercive practices, HI would impose:

- **Administrative sanctions:**

A candidate's misconduct will be notified to competent civil or commercial authorities as will be the immediate end of any professional relations with it.

- **Financial sanctions:**

HI will request the refunding of expenses directly and indirectly related to the conduct of the new call for tenders or contract attribution procedure. If relevant, the bid guarantee or performance guarantee will be kept by HI.

IV. Information and Access for Funding Bodies

HI will immediately inform institutional funding bodies and will provide them with relevant information should a supplier, candidate or bidder be involved in corruptive, fraudulent, collusive or coercive practices.



Furthermore, entrepreneurs accept to guarantee right of access to their financial and accounting documents so that HI's Institutional Funding Bodies may conduct verifications and audits.

V. Documents to be presented by the supplier

Below are the minimum documents that any company or individual entrepreneur wishing to work with HI needs to produce:

- 8 Supplier's / company representative's personal national identity paper
- 9 Status and registration papers of the company
- 10 Mission order or proxy authorising the representative to sign the Agreement
- 11 Copy of tax registration

NB: Additional documents may be requested for a specific contract.

Furthermore, the Supplier must have minimum administrative equipment to be able to issue an Invoice, Delivery note and own an official stamp.

TO BE COMPLETED BY THE COMPANY SUBMITTING A BID

I, the undersigned, **Mr.** -----, representing ----- of the company for which I act, accept the terms of HI Best Business Practices and undertake to achieve the best performance should the contract be attributed to

I the undersigned, certify that -----**(name of company in case)** has not been involve and will take all necessary steps not to be involved in or supply material support or any other resource to individuals or entities that commit, attempt to commit, recommend, facilitate or participate in fraud, active or indirect corruption, collusion, coercive practices, involvement in criminal organisation or any other illegal activity or that do not respect Human Rights or basic social rights and minimum work conditions as defined by the International Labour Organisation (ILO), in particular regarding child labour, discrimination, freedom of association, respect of the minimum wage, slave labour issues and compliance with work conditions and hygiene.

Finally, I hereby certify that -----**company name** is not involved in any current legal action or court proceedings as plaintiff or defendant, in its own name or on behalf of any other entity, for actions relating to fraud, corruption or any illegal activity and has never been found guilty of such practices.

Name:

Date:

Title:

Stamp:

Signature: