

**SWORN DECLARATION
BY TENDERERS INVOLVED IN THE IMPLEMENTATION OF A GRANT
FINANCED BY EXPERTISE FRANCE**

To be attached to the [application/tender/contract]¹

Object of the service/supply/works purchase contract: XXXXXXXX

In the context of the Grant contract covering: XXXXXXXX

1. We acknowledge and accept that, in the aforementioned circumstances, Expertise France shall be entitled to exclude our company from the tender procedure for services/supplies/works in the context of the implementation of a Grant financed by Expertise France and, should the contract be awarded to our company, any such situation may lead to termination of the contract, in accordance with the terms of the latter.
2. We hereby declare that neither we, nor any member of our consortium, nor any supplier, service provider, consultant or subcontractor (including the directors, employees and agents of said entities) nor any person holding the power of representation, decision-making or control over said persons, is in any of the following situations:
 - a) Bankruptcy or proceedings relating to bankruptcy, liquidation, safeguarding or cessation of operations, or any similar situation resulting from proceedings of the same nature;
 - b) Or has been the subject of:
 - i. A ruling dated from within the past five years with the force of res judicata in the country of implementation of the contract for fraud, corruption or any offence committed in the context of an award or performance of a tender or contract; in the event of any such ruling, we reserve the right to append additional information to this Integrity Undertaking specifying that said ruling is not relevant to the contract;
 - ii. An administrative sanction dated from within the past five years by the European Union or by the competent authorities of the country in which we are established for fraud, corruption or any offence committed in the context of an award or performance of a tender or contract; in the event of any such sanction, we reserve the right to append additional information to this Integrity Undertaking specifying that said sanction is not relevant to the contract;
 - iii. A ruling dated from within the past five years with the force of res judicata for fraud, corruption or any offence committed in the context of an award or performance of a contract financed by the AFD;

¹ This document must be appended to the application/bid of the applicant/bidder for all competitive tenders. This document must be appended to the contract for all non-competitive procedures.

- c) Feature on any sanctions list adopted by the United Nations, European Union or France, notably in respect of anti-money laundering, counter-financing of terrorism and the undermining of international peace and security.
 - d) Any termination issued solely due to failings on our part within the past five years as a result of us having committed any serious or persistent breach of our contractual obligations during the performance of a previous tender or contract, subject to said sanction not currently being contested by us or which has led to a court ruling dismissing said termination solely due to failings on our part;
 - e) Any breach of our obligations to pay taxes in accordance with the legal provisions of the country in which we are established or those of the country of the contracting authority;
 - f) Any exclusion decision issued by the World Bank or to feature in this regard on the list published at <http://www.worldbank.org/debar>; in the event of any such exclusion decision, we reserve the right to append additional information to this Integrity Undertaking specifying that said exclusion decision is not relevant to the contract;
 - g) Or has produced false documents or been found guilty of false declarations when providing documents demanded by the contracting authority in the context of this contract award process.
3. We hereby declare that neither we nor any member of our consortium or our suppliers, contractors, consultants or service providers is confronted by any of the following conflicts of interest:
- a) Being a shareholder controlling the contracting authority or a subsidiary controlled by the contracting authority, unless the resultant conflict has been notified to Expertise France and been resolved to its satisfaction;
 - b) Having a business or family relationship with any member of the contracting authority's departments who is involved in the contract award or supervision process, unless the resultant conflict has been notified to Expertise France and been resolved to its satisfaction;
 - c) Controlling or being controlled by another bidder or consultant, being under the control of the same company as another bidder or consultant, receiving from another bidder or consultant or awarding a grant to another bidder or consultant, whether directly or indirectly, having the same legal representative as another bidder or consultant, directly or indirectly maintaining contacts with another bidder or consultant enabling us to have access and provide access to information contained in our respective bids or proposals, or of influencing such bids or proposals or the decisions of the bidder or consultant;
 - d) Having been engaged to provide intellectual services, the nature of which runs the risk of being incompatible with our assignments carried out on behalf of the bidder or consultant.
 - e) In the case of a procedure covering the award of a works, supplies or equipment contract:
 - i. We have ourselves prepared or have been supported by a consultant who has prepared the specifications, plans, calculations and other documents used in the context of the contract award procedure;
 - ii. We have ourselves, or one of the firms with which we are affiliated, been recruited, or will be recruited, by the contracting authority to supervise or audit the works under the contract.

4. If we are a public institution or public company, in order to be able to participate in a competitive tender we hereby certify that we enjoy legal and financial autonomy and that we are governed by the rules of company law.
5. We undertake to notify the contracting authority without undue delay, which will in turn notify Expertise France, of any change of situation with regard to points 2 to 4 above.
6. In the context of contract award and execution:
 - a) We have not committed and will not commit any unfair practices (action or omission) designed, with regard to any third party, to deliberately deceive, intentionally conceal information, inveigle or vitiate consent, circumvent legislative or regulatory obligations or violate internal rules in order to obtain an illegitimate benefit.
 - b) We have not committed and will not commit any unfair practices (action or omission) contrary to our legislative or regulatory obligations and/or internal rules in order to obtain an illegitimate benefit.
 - c) We have not promised, offered or granted, nor will do so in the future, whether directly or indirectly, to (i) any person holding a legislative, executive, administrative or judicial office within the country of the contracting authority, whether such person is appointed or elected, permanently or otherwise, remunerated or otherwise and regardless of their hierarchical level, (ii) any other person exercising a public function, including for a public body or public company, or which provides a public service, or (iii) any other person defined as a public official in the country of the contracting authority, any undue advantage of any kind, to the person directly or for any other person or entity, to incite said person to take action or omit to take action during the exercise of their official public functions.
 - d) We have not promised, offered or granted, nor will do so in the future, whether directly or indirectly, to any person managing a private-sector entity or working for any such entity in any capacity whatsoever, any undue benefit of any kind, to the person directly or for any other person or entity, to incite said person to take action or omit to take action in breach of their legal, contractual or professional obligations.
 - e) We have not committed, nor will do so in the future, any act likely to influence the contract award process to the detriment of the contracting authority, notably no anti-competitive practices having the purpose and effect of preventing, restricting or distorting fair competition, notably by limiting access to the contract or the free exercise of competition by other companies.
 - f) We hereby certify that neither we ourselves nor any member of our consortium or any of our subcontractors will acquire or supply goods or take action in sectors subject to embargo implemented by the United Nations, the European Union or France.
 - g) We undertake to comply with, and shall obtain a similar undertaking from all our subcontractors, the environmental and social standards recognised by the international community, including the fundamental conventions of the International Labour Organisation (ILO), conventions of freedom of association and collective bargaining, on the elimination of forced labour, on the elimination of discrimination in employment, on the elimination of child labour and international agreements on environmental protection, in compliance with the laws and regulations applicable in the country of contract implementation. Furthermore, we undertake to implement mitigation measures

against environmental and social risk where stated in the environmental and social management plan provided by the contracting authority.

We acknowledge and accept that, should any of the aforementioned situations be identified to apply to us, the Beneficiary of the Grant would be obliged to forward such information to Expertise France, or to the Donor of the financing or any other entity of the Agence Française de Développement group, and that said parties may integrate such information within a rapid detection and exclusion system, including publication on their website.

With regard to this declaration, we undertake to notify Expertise France without delay of any change to our situation during the tender process and, as applicable, during contract execution.

Name: _____ Function: _____

Duly authorised to sign on behalf of:¹ _____

Date: _____

Signature:

¹ State the name of the consortium, as applicable. The person signing the bid, offer or application on behalf of the bidder or consultant must attach to said bid, offer or application the authorisation provided by the bidder or consultant.