

**Notice of Uncontested Sanctions Proceedings**

**April 12, 2023**

**Sanctions Case No. 760  
IDA Credit Number 5233-VN  
(Vietnam Da Nang Sustainable City Development Project)**

**Respondents:  
Getinsa Ingeniería Vietnam Co. Ltd.  
Ms. Tran Thi Hoan**

1. On January 6, 2023, the World Bank’s Chief Suspension and Debarment Officer (the “SDO”) issued a Notice of Sanctions Proceedings (the “Notice”) to Getinsa Ingeniería Vietnam Co. Ltd. (“Getinsa Vietnam”) and Ms. Tran Thi Hoan (“Ms. Hoan”) (together, the “Respondents”) pursuant to sub-paragraph 4.01(a) of Section III.A of the Bank Procedure: Sanctions Proceedings and Settlements in Bank Financed Projects issued by the Bank on June 28, 2016 (the “Sanctions Procedures”).
2. The Statement of Accusations and Evidence (the “SAE”) prepared by the Bank’s Integrity Vice Presidency (“INT”) and appended to the Notice contained INT’s accusations that the Respondents engaged in Sanctionable Practices (as defined in the Sanctions Procedures) in connection with the above-named project (the “Project”). The SAE also contained the evidence gathered by INT in support of these accusations.
3. The specific accusations made by INT in the SAE were that the Respondents engaged in collusive or corrupt practices by entering into an arrangement with two other companies to improperly influence the drafting of technical specifications for two contracts under the Project, and by soliciting from one of the two above-mentioned companies a commission worth 10% of the contracts’ value for the Respondents’ assistance in winning the contracts.
4. Based on a review of INT’s SAE conducted in accordance with sub-paragraph 4.01(a) of Section III.A of the Sanctions Procedures, and pursuant to sub-paragraph 4.01(c), sub-paragraph 9.01, and sub-paragraph 9.04 of Section III.A of the Sanctions Procedures, with due consideration of the factors set forth in sub-paragraph 9.02 of Section III.A of the Sanctions Procedures and in the World Bank Group Sanctioning Guidelines, the SDO recommended in the Notice that each Respondent, together with certain Affiliates (as defined in the Sanctions Procedures) where so specified, be sanctioned as follows:

Respondent 1

*Getinsa Ingeniería Vietnam Co. Ltd. (“Getinsa Vietnam”)*

***Recommended Sanction: Debarment with Conditional Release  
Minimum Period of Ineligibility of Eight (8) Years and Ten (10) Months***

*It is recommended that Getinsa Vietnam (together with any entity that is an Affiliate directly or indirectly controlled by Getinsa Vietnam) be declared ineligible (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;<sup>1</sup> (ii) to be a nominated<sup>2</sup> sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank-Financed Project; provided, however, that after a minimum period of ineligibility of an eight (8) years and ten (10) months – i.e., an initial period of six (6) years commencing November 29, 2021 pursuant to Sanctions Board Decision No. 134 (Sanctions Case No. 620), plus an additional period of two (2) years and ten (10) months, to run consecutively, in respect of the sanctionable practices addressed in this Notice, Getinsa Vietnam may be released from ineligibility only if Getinsa Vietnam has, in accordance with sub-paragraph 9.03 of Section III.A of the Sanctions Procedures, demonstrated to the Bank Group’s Integrity Compliance Officer that Getinsa Vietnam has complied with the following conditions:*

- (a) Getinsa Vietnam has taken appropriate remedial measures to address the Sanctionable Practices for which Getinsa Vietnam has been sanctioned; and*
- (b) Getinsa Vietnam has adopted and implemented, in a manner satisfactory to the Bank, integrity compliance measures as may be imposed by the Bank Group’s Integrity Compliance Officer*

---

<sup>1</sup> *For the avoidance of doubt, the declaration of ineligibility to be awarded a contract will include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.*

<sup>2</sup> *A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been (i) included by the bidder in its pre-qualification application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid or (ii) appointed by the borrower.*

*pursuant to sub-paragraph 9.03(b) of Section III.A of the Sanctions Procedures (e.g., an integrity compliance program or elements thereof) to address the Sanctionable Practices.*

*In determining this recommended sanction, the SDO took into account, as aggravating factors, (i) the sophisticated means through which Getinsa Vietnam engaged in the misconduct, involving significant planning and multiple companies and individuals and (ii) Getinsa Vietnam's central role in coordinating the multiple parties involved in the misconduct. The SDO also took into account, as mitigating factors, (i) Getinsa Vietnam's limited cooperation with INT during the investigation, noting in particular that representatives of Getinsa Vietnam corresponded with INT and provided INT with certain documentary evidence, while also noting that Getinsa Vietnam has not accepted responsibility for the misconduct and (ii) the amount of time that has elapsed since the misconduct occurred and since the Bank became aware of it. The SDO did not apply any additional mitigating or aggravating factors.*

*This declaration of ineligibility will extend across the operations of the World Bank Group, including IFC, MIGA, and the guarantee and carbon finance operations of the Bank.<sup>3</sup> The Bank will also provide notice of this declaration of ineligibility to the other MDBs that are party to the MDB Cross-Debarment Agreement so that they may determine whether to enforce the declarations of ineligibility with respect to their own operations in accordance with the MDB Cross-Debarment Agreement and their own policies and procedures.<sup>4</sup>*

---

<sup>3</sup> *Sanctions Procedures, . . . sub-paragraph 9.01(c) of Section III.A. For the avoidance of doubt, the declaration of ineligibility also extends to activities financed through trust funds administered by the Bank to the extent governed by the Bank's Procurement Regulations (or either of the Regulations' predecessor documents, the Procurement Guidelines and Consultant Guidelines) or Anti-Corruption Guidelines. Id., sub-paragraph 1.01(c)(i) of Section III.A.*

<sup>4</sup> *At present, the parties to the MDB Cross-Debarment Agreement are the Bank Group, the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group. The MDB Cross-Debarment Agreement provides that, subject to the prerequisite conditions set forth in the MDB Cross-Debarment Agreement, unless a participating MDB (i) believes that any of the prerequisite conditions set forth in the MDB Cross-Debarment Agreement have not been met or (ii) decides to exercise its rights under the "opt out" clause set forth in the MDB Cross-Debarment Agreement, each participating MDB will promptly enforce the debarment decisions of the other participating MDBs.*

Respondent 2

*Ms. Tran Thi Hoan (“Ms. Hoan”)*

***Recommended Sanction: Debarment with Conditional Release  
Minimum Period of Ineligibility of Two (2) Years and Ten (10) Months***

*It is recommended that Ms. Hoan (together with any entity that is an Affiliate directly or indirectly controlled by Ms. Hoan) be declared ineligible (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;<sup>5</sup> (ii) to be a nominated<sup>6</sup> sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank-Financed Project; provided, however, that after a minimum period of ineligibility of two (2) years and ten (10) months, Ms. Hoan may be released from ineligibility only if Ms. Hoan has, in accordance with subparagraph 9.03 of Section III.A of the Sanctions Procedures, demonstrated to the Bank Group’s Integrity Compliance Officer that Ms. Hoan has complied with the following conditions:*

- (a) Ms. Hoan has taken appropriate remedial measures to address the Sanctionable Practices for which Ms. Hoan has been sanctioned;*
- (b) Ms. Hoan has completed training and/or other educational programs that demonstrate a continuing commitment to personal integrity and business ethics; and*
- (c) Any entity that is an Affiliate directly or indirectly controlled by Ms. Hoan has adopted and implemented, in a manner satisfactory to the Bank, integrity compliance measures as may be imposed by the Bank Group’s Integrity Compliance Officer pursuant to subparagraph 9.03(b) of Section III.A of the Sanctions Procedures*

---

<sup>5</sup> *For the avoidance of doubt, the declaration of ineligibility to be awarded a contract will include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.*

<sup>6</sup> *A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been (i) included by the bidder in its pre-qualification application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid or (ii) appointed by the borrower.*

*(e.g., an integrity compliance program or elements thereof) to address the Sanctionable Practices.*

*In determining this recommended sanction, the SDO took into account, as aggravating factors, (i) the sophisticated means through which Ms. Hoan engaged in the misconduct, involving significant planning and multiple companies and individuals and (ii) Ms. Hoan's central role in coordinating the multiple parties involved in misconduct. The SDO also took into account, as mitigating factors, (i) Ms. Hoan's limited cooperation with INT during the investigation, noting in particular that she corresponded with INT, while also noting that Ms. Hoan has not accepted responsibility for the misconduct, and (ii) the amount of time that has elapsed since the misconduct occurred and since the Bank became aware of it. The SDO did not apply any additional mitigating or aggravating factors.*

*This declaration of ineligibility will extend across the operations of the World Bank Group, including IFC, MIGA, and the guarantee and carbon finance operations of the Bank.<sup>7</sup> The Bank will also provide notice of this declaration of ineligibility to the other MDBs that are party to the MDB Cross-Debarment Agreement so that they may determine whether to enforce the declarations of ineligibility with respect to their own operations in accordance with the MDB Cross-Debarment Agreement and their own policies and procedures.<sup>8</sup>*

5. Neither of the Respondents submitted an Explanation (as defined in the Sanctions Procedures) in accordance with sub-paragraph 4.02(b) of Section III.A of the Sanctions Procedures.
6. Sub-paragraph 4.04 of Section III.A of the Sanctions Procedures provides that if a respondent does not contest the accusation or the sanction recommended by the SDO in a Notice of Sanctions Proceedings by submitting a Response (as defined in the Sanctions Procedures) to the World Bank Group Sanctions Board (the "Sanctions

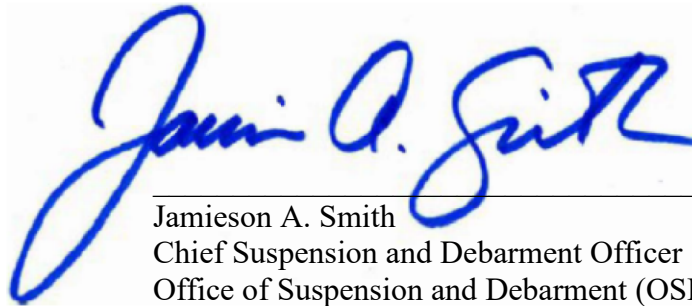
---

<sup>7</sup> *Sanctions Procedures, . . . sub-paragraph 9.01(c) of Section III.A. For the avoidance of doubt, the declaration of ineligibility also extends to activities financed through trust funds administered by the Bank to the extent governed by the Bank's Procurement Regulations (or either of the Regulations' predecessor documents, the Procurement Guidelines and Consultant Guidelines) or Anti-Corruption Guidelines. Id., sub-paragraph 1.01(c)(i) of Section III.A.*

<sup>8</sup> *At present, the parties to the MDB Cross-Debarment Agreement are the Bank Group, the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group. The MDB Cross-Debarment Agreement provides that, subject to the prerequisite conditions set forth in the MDB Cross-Debarment Agreement, unless a participating MDB (i) believes that any of the prerequisite conditions set forth in the MDB Cross-Debarment Agreement have not been met or (ii) decides to exercise its rights under the "opt out" clause set forth in the MDB Cross-Debarment Agreement, each participating MDB will promptly enforce the debarment decisions of the other participating MDBs.*

Board”) within ninety (90) days after delivery of such Notice of Sanctions Proceedings, the sanction recommended by the SDO shall enter immediately into force.

7. No Response having been submitted to the Sanctions Board by either of the Respondents within the specified period, INT’s accusations in the SAE and the sanctions recommended by the SDO in the Notice are deemed uncontested for purposes of sub-paragraph 4.04 of Section III.A of the Sanctions Procedures, and the recommended sanctions set forth in paragraph 4 above have entered into force as of the date hereof.



---

Jamieson A. Smith  
Chief Suspension and Debarment Officer  
Office of Suspension and Debarment (OSD)  
The World Bank