



The World Bank Office of



# SUSPENSION AND DEBARMENT

Report on Functions, Data and Lessons Learned 2007–2013

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# Executive Summary

The World Bank's Office of Suspension and Debarment (OSD), led by the Chief Suspension and Debarment Officer (SDO), provides the first level of adjudication in the World Bank's suspension and debarment, or "sanctions," system. Over the past six years, 60% of all sanctions cases have been resolved on the basis of the determinations and recommendations made by OSD. The remaining cases have been decided on appeal by the World Bank Group Sanctions Board.

OSD is a critical component in ensuring an efficient, effective and fair sanctions process. It is the World Bank unit that is charged with reviewing, prior to the issuance of any sanctions case, the sufficiency of the evidence against the firms and individuals that have been accused of fraud and corruption on World Bank-financed projects.

Sanctions cases are selected and prepared by the World Bank's Integrity Vice Presidency (INT) on the basis of INT investigations. If INT believes that it has gathered sufficient evidence to show that a firm or individual (referred to in the sanctions system as a "Respondent") has engaged in sanctionable misconduct, it submits a sanctions case to OSD for review. This initial adjudication by OSD allows for the early disposition of cases without the necessity of full sanctions proceedings in every case. OSD also plays an important role in protecting the World Bank by imposing temporary suspensions on Respondents once OSD has determined that they have more likely than not engaged in sanctionable misconduct.

The data and statistics in this report are drawn from OSD's first six fiscal years of operations and are current through June 30, 2013 (the end of the World Bank's 2013 fiscal year). They pertain only to sanctions cases arising from projects financed by the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) within the World Bank Group. The private sector operations of the World Bank Group, including the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), have their own sanctions systems that are similar to those of the World Bank.

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# ABBREVIATIONS AND ACRONYMS

AfDB	African Development Bank
CMS	Case Management System
EIB	European Investment Bank
ETS	Early Temporary Suspension
FY	Fiscal Year
GAC	Governance and Anti-corruption
IBRD	International Bank for Reconstruction and Development
ICO	Integrity Compliance Office
ICSID	International Centre for Settlement of Investment Disputes
IDA	International Development Association
IDB	Inter-American Development Bank
IFC	International Finance Corporation
INT	Integrity Vice Presidency
MDB	Multilateral Development Bank
MIGA	Multilateral Investment Guarantee Agency
OSD	Office of Suspension and Debarment
PRG	Partial Risk Guarantee
RTS	Request for Temporary Suspension
SAE	Statement of Accusations and Evidence
SDO	Suspension and Debarment Officer
VDP	Voluntary Disclosure Program

# FOREWORD

The resources available to help more than a billion people escape extreme poverty are precious and increasingly scarce. Therefore, each dollar lost to corruption is a dollar stolen from a pregnant woman who needs health care; or from a girl or a boy who deserves an education; or from communities that need roads and clean water.

Around the world, governments are creating and modernizing administrative bodies that can respond to claims of wrongdoing in public procurement or in the use of donor funds. These bodies are an increasingly important way for governments to safeguard public resources. Many are empowered to impose suspensions, debarments or other sanctions against companies, when warranted. They are a crucial component of the global movement to combat fraud and corruption.

The fight against corruption will always be difficult, and the learning curve steep. How should we allocate limited time and resources for maximum impact? How can we balance thorough project review with swift implementation to achieve the best development results? Data will always be critical in answering these sorts of questions, because data are the fundamental building block of evidence-based policymaking. Data help us evaluate our methods and impact, and provide us with a more rigorous and systematic framework for decision-making, which can lead to improved policies, processes and better results for the people we serve.

Data can be extremely useful to policymakers evaluating fraud and corruption in development work. This is why, since its inception in 2007, the World Bank's Office of Suspension and Debarment (OSD) has kept detailed data on the typology of the cases it decides, processing times, the outcomes

of case determinations and other key system metrics, as well as checklists for the different steps in the investigative and adjudicative processes. This detailed tracking of case progression enables us to evaluate performance and outcomes, highlight successes, and identify areas for improvement. As the World Bank Group considers ways to manage risk more effectively — and to enhance our own approaches to fighting fraud and corruption — data of this nature are essential to making informed decisions.

This report — which shares our experience in attempting to build a more efficient, effective, and fair suspension and debarment system — can contribute to similar efforts by other institutions. We also intend that this same information will inform and empower citizens to advocate for greater integrity and accountability in the use of public funds, no matter their source. Ultimately, our success in fighting fraud and corruption depends on the success of national governments in pursuing wrongdoing with determination, due process and expert adjudication.

Diverting finite public and donor funds from essential development work robs the poor and undermines opportunities for people seeking a brighter future. We can build greater public trust in development institutions if we show that we do not tolerate fraud and corruption. The World Bank Group is fully committed to its fiduciary responsibility to see that funds are used for their intended purpose: ending extreme poverty and increasing shared prosperity.

**Jim Yong Kim**  
President  
World Bank Group



# OPENING MESSAGE

In recent years, the World Bank has invested substantial effort in two important but seemingly disparate areas. First, recognizing that transparency is fundamental to ensuring the quality of the development process, the World Bank has committed itself to the principles of openness and accountability. The World Bank's Access to Information Policy, the Open Data Initiative, and our Open Access Policy make huge amounts of data and research freely available to all. At the same time, the World Bank has remained committed to the vigorous fulfillment of its fiduciary obligation to investigate and, if appropriate, sanction contractors that have engaged in fraud and corruption in connection with World Bank-financed development projects. Through June 30, 2013, the World Bank has publicly debarred or otherwise sanctioned more than 650 firms and individuals.

Can a commitment to openness be reconciled with the need for confidentiality in handling cases of alleged wrongdoing? Is it possible, in other words, to be open about how the World Bank has dealt with sensitive cases of fraud and corruption? The answer is that the World Bank must find ways to do exactly that, because transparency is universally recognized as an essential ingredient in the battle against fraud and corruption.

The World Bank's Board of Executive Directors promoted a transparent approach to handling cases of fraud and corruption when it approved the publication of the first annual report of

the Integrity Vice Presidency (INT) in 2006. Then, in the spring of 2012, the World Bank Group Sanctions Board commenced publication of its decisions in the cases that it hears on appeal, following the release in December 2011 of a digest of key legal principles applied in earlier Sanctions Board cases.

Now, with the release of this report covering the first six fiscal years of the operations of the Office of Suspension and Debarment (OSD), the World Bank is making available additional information on the investigative and adjudicative aspects of its sanctions system. This OSD report adds a new dimension to transparency with the inclusion of case processing and other performance statistics.

OSD is part of a larger international movement that is witnessing the creation of efficient and effective systems for resolving allegations of fraud and corruption in public and donor-financed procurement while ensuring due process and fairness. In October 2012 and again in May 2014, OSD was proud to serve as the secretariat for a Colloquium on Suspension and Debarment co-sponsored by the American Bar Association, the International Bar Association, the George Washington University Law School, the World Bank and the Global Forum on Law, Justice and Development. These Colloquia looked at how a variety of national and international systems have developed and compared their different characteristics and



outcomes. Many distinguished attorneys and scholars from the fields of suspension and debarment and public procurement gathered at the World Bank for these events. The proceedings of those Colloquia are summarized elsewhere in this report and are available on the Global Forum's website. Through public outreach and professional engagement, we will continue to contribute to the efforts of those working on similar suspension and debarment mechanisms.

OSD has learned a great deal from, and works closely with, its counterparts in other multilateral financial institutions, including at the Inter-American Development Bank (IDB), the African Development Bank (AfDB) and the European Investment Bank (EIB). We have benefitted greatly from this dialogue, and we look forward to even closer collaboration in the future.

OSD is one of the smallest units in the World Bank. Our drive for efficiency and effectiveness is testimony to the commitment and ability of each and every staff member who has served in OSD since we opened our doors in 2007.

#### **Pascale Hélène Dubois**

Chief Suspension and Debarment Officer (SDO)  
International Bank for Reconstruction and Development (IBRD)  
and International Development Association (IDA)



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# INTRODUCTION

In the fiscal year ending June 30, 2013, the World Bank Group<sup>1</sup> committed \$52.6 billion in loans, grants, equity investments and guarantees to help promote economic growth, overcome poverty and promote economic enterprise in developing countries.<sup>2</sup> \$31.5 billion of this total came from the two institutions that together comprise the World Bank: the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).<sup>3</sup> These funds, which are often combined with funds provided by other donors and by local authorities, were used by borrowing governments to finance investments and reforms intended to improve people's lives, ranging from universal education to passable roads, and from quality health care to better governance. World Bank operations help support development across every sector and in virtually every developing country, all with the common objectives of eradicating extreme poverty and creating shared prosperity.<sup>4</sup>

Recognizing that fraud and corruption weaken institutions and divert essential resources from poverty-eradication efforts, over the past 15 years the World Bank has introduced, enhanced and enforced a variety of administrative instruments to combat fraud and corruption in World Bank-financed projects. One of the key aspects of this effort has been the ongoing development of the World Bank's suspension and debarment system, in which the Office of Suspension and Debarment (OSD) represents the first level of adjudication. This suspension and debarment system, often referred to as the World Bank's "sanctions system" or "sanctions regime," is designed to exclude proven wrongdoers from World Bank-financed operations, while ensuring that accused parties are treated fairly and given a chance to mount a defense.

## The World Bank's Articles of Agreement

**IBRD Articles of Agreement**, art. III, §5(b): The Bank shall make arrangements to ensure that the proceeds of any loan are used only for the purposes for which the loan was granted, with due attention to considerations of economy and efficiency and without regard to political or other non-economic influences or considerations.

**IDA Articles of Agreement**, art. V, §1(g): The Association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy, efficiency and competitive international trade and without regard to political or other non-economic influences or considerations.

## Fiduciary and Legal Foundations of the World Bank's Suspension and Debarment System

The World Bank has a fiduciary duty deriving from its Articles of Agreement (see Box above) to ensure that its funds are used for the purposes for which they are intended. In furtherance of this duty, the World Bank's suspension and debarment system seeks to incorporate measures that ensure standards of good governance and conformity with principles of the rule of law.<sup>5</sup> The sanctions system is a quasi-judicial administrative process for the adjudication of cases involving firms and individuals accused of engaging in sanctionable misconduct in competing for, or in executing, World Bank-financed contracts.<sup>6</sup> The system is intended to provide an accused party with a fair

The sanctions system is a quasi-judicial administrative process for the adjudication of cases involving firms and individuals accused of engaging in sanctionable misconduct in competing for, or in executing, World Bank-financed contracts.

level of due process before the World Bank decides whether misconduct occurred and, if so, what sanction is appropriate.<sup>7</sup> Mitigating and aggravating factors are examined carefully before arriving at a final sanctions determination. The sanction imposed most frequently is debarment, meaning that the firm or individual is declared ineligible to receive World Bank-financed contracts from shareholder governments. In most cases the firm or individual is also subject to cross-debarment by other multilateral development banks (MDBs).<sup>8</sup> Debarments and other sanctions are posted on the World Bank's public website and therefore are observable by any number of interested parties, including national and local governments and other public and private sector organizations conducting due diligence prior to procurement or other business decisions.

The World Bank's sanctions system is administrative in nature, as the institution does not have the power to impose criminal or civil penalties. There is no exact parallel in the national law of any one country to the World Bank's sanctions system, though it is most similar to the administrative suspension and debarment processes that are found in an increasing number of national systems.<sup>9</sup> Elements of a variety of existing models were used as points of reference in developing the rules of the World Bank's sanctions system, including these national suspension and debarment systems. But other comparisons may be equally informative, such as those with aspects of various criminal and civil law regimes, other administrative law tribunals, contract and tort law and parallel arrangements in other international organizations.<sup>10</sup> The misconduct addressed by the World Bank's suspension and debarment system is often of a nature that would be considered criminal in many countries, and the World Bank refers such cases to national governments for their consideration and action, as appropriate.<sup>11</sup>

## Origins of the World Bank's Suspension and Debarment System

In 1996, World Bank President James Wolfensohn called on the institution to "deal with the cancer of corruption," setting the World Bank on the path to a series of changes in its lending program and fiduciary processes. President Wolfensohn pledged the World Bank's support for international efforts to fight corruption and establish voluntary standards of behavior.<sup>12</sup> Soon after, the World Bank established a formal mechanism for debarring parties that engaged in fraud and corruption in connection with World Bank-financed projects.<sup>13</sup> This new mechanism complemented long-used procurement remedies, such as declarations of misprocurement and suspension of payment for projects (or parts of projects) when fiduciary breaches were discovered.

Since then, the World Bank's suspension and debarment system has undergone a series of expansions and modifications. In August 2001, the World Bank drafted detailed written procedures to govern the debarment proceedings conducted before the World Bank's Sanctions Committee, a body then composed of senior World Bank managers, which was at the time responsible for making debarment decisions. A year later, in 2002, the World Bank undertook a comprehensive review of the debarment process; as part of the review, the World Bank engaged Richard Thornburgh, the former U.N. Undersecretary General and U.S. Attorney General, to prepare a report<sup>14</sup> assessing the World Bank's existing process and to recommend possible reforms (the Thornburgh Report).<sup>15</sup>

## Creation of the Office of Suspension and Debarment and Development of the Current Suspension and Debarment System

In July 2004, in light of lessons already learned and following a review of the recommendations made by Mr. Thornburgh and his team, the World Bank's Board of Executive Directors approved several significant changes to the sanctions system, including:

- (1) modification of the membership of the World Bank Group Sanctions Board (Sanctions Board), the successor to the Sanctions Committee, to include both World Bank staff and external members;
- (2) establishment of the new staff position of Evaluation and Suspension Officer (now called the Chief Suspension and Debarment Officer or "SDO") to impose temporary suspensions and provide for the early disposition of cases;
- (3) introduction of measures to address a perceived need for more flexible sanctions;
- (4) explicit recognition of cooperation as a mitigating factor in sanctions determinations; and
- (5) creation of additional incentives for contractors to voluntarily disclose information about fraud and corruption in World Bank-financed projects.<sup>16</sup>

The 2004 sanctions reform package also extended the coverage of the sanctions system to the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), as well as the World Bank's Partial Risk Guarantee (PRG) operations.<sup>17</sup>

Seeking to continue to improve the sanctions system, and in order to fully implement the 2004 recommendations, in 2005 the World Bank undertook an in-depth review of its anti-corruption activities.<sup>18</sup> This review resulted in:

- (1) the expansion of the sanctions system beyond procurement to cover, more generally, fraud and corruption that may occur in connection with the use of World Bank loan proceeds in the preparation and/or implementation of World Bank-financed investment projects;
- (2) the adoption of new definitions of corrupt, fraudulent, collusive and coercive practices;<sup>19</sup> and
- (3) the adoption of "obstructive practices" as a separate sanctionable offense, covering both non-compliance with the World Bank's third-party audit rights and deliberate obstruction of World Bank investigations.<sup>20</sup>

The Board of Executive Directors approved the changes in August 2006, and new sanctions procedures were developed, with an effective date of October 15, 2006.<sup>21</sup> In November 2006, the first SDO for IBRD/IDA was selected. Pascale Hélène Dubois, an attorney and Belgian national, was appointed to the position by the President of the World Bank. Ms. Dubois assumed the role in March of 2007, and continues to serve.

## Function of the Chief Suspension and Debarment Officer

The Thornburgh Report recommended, and the World Bank's Board of Executive Directors later approved, the creation of the SDO function for two main reasons: first, to provide for a mechanism for temporary suspension pending the final outcome of sanctions proceedings, subject to due process protections for the accused firms or individuals (Respondents); and second, to increase efficiency by providing for the early disposition of sanctions cases that do not result in appeals.

Experience to date shows that the SDO function is meeting its objectives. Over the past six fiscal years of operation, the SDO has temporarily suspended 239 firms and individuals, protecting Bank funds at an earlier point in the sanctions process. Consistently, 60% of sanctions cases have been resolved at the SDO level, meaning that, in those cases, the Respondents have not appealed to the Sanctions Board and the final sanctions imposed were those recommended by the SDO.

The Thornburgh Report recommended the imposition of a temporary suspension following the SDO's independent review of a case in order to protect the World Bank at an earlier stage of the proceedings, as opposed to awaiting the adjudication of a potential appeal to the Sanctions Board. The Thornburgh Report also suggested that the imposition of a temporary suspension by the SDO would eliminate the incentive for Respondents to delay the final resolution of sanctions proceedings in order to continue bidding on World Bank-financed contracts in the interim. In addition, the SDO function was regarded as a more efficient way to dispose of cases that Respondents chose not to appeal, either because the cases were relatively minor or because the evidence (which is provided to Respondents for their review in all cases) was conclusive. As the authors posited:

*Some respondents would recognize that in light of the evidence possessed by the Bank it would be futile to contest the matter further, and since the respondent would be informed of the sanction that would be imposed when it was informed of the recommendation of the [SDO], the respondent could decide whether to take its case to the Sanctions [Board] with full knowledge of the consequences of not doing so. As a result, the Bank would be able to dispatch some "minor" cases without going through the time and expense associated with a full review and hearing by the [Sanctions Board]. This would become increasingly helpful to the Bank as [the Integrity Vice Presidency] investigates more cases of fraud and corruption involving contracts and transactions that previously have not been the focus of attention because individually they did not reach a high level of significance, but which, because of their number, are now recognized as collectively important and as matters that need to be addressed for purposes of general deterrence.<sup>22</sup>*

## The Mandate of the Office of Suspension and Debarment

OSD was designed as a check and balance in the sanctions process, impartially reviewing the sufficiency of the evidence in the sanctions cases selected, investigated and submitted by the Integrity Vice Presidency (INT).

The mandate of OSD derives from the terms of reference of the SDO:

*The World Bank [SDO] is a critical component in ensuring an efficient, effective and fair sanctions process. The initial review of sanctions cases by the [SDO] allows for their early disposition without the necessity of full sanctions proceedings in every case.<sup>23</sup>*

A critical component of the OSD mandate is the efficient, effective and fair disposition of sanctions cases.<sup>24</sup> The term "efficient" derives from the World Bank's Articles of Agreement (see Box p. 7) and can be seen to refer not only to the work of OSD itself but also to the World Bank's broader fiduciary responsibility to ensure that the funds entrusted to it are used according to the intent stated in loan and grant agreements. Unqualified, fraudulent or corrupt contractors can prevent a development project from delivering needed goods or services. OSD contributes to the efficiency and effectiveness of World Bank lending operations by ensuring that firms and individuals that have misused loan funds are dealt with appropriately.<sup>25</sup>

Fairness is equally essential to the credibility of a debarment system. The World Bank's suspension and debarment system provides significant procedural protections for parties accused of sanctionable practices, including notice and an opportunity to be heard, as well as adjudication by decision-makers who

are independent of the investigative function.<sup>26</sup> In conducting a thorough and informed review of every case, OSD serves as an impartial check and balance on the work of the World Bank's investigators and endeavors to ensure a fair and objective process for all parties involved.

During the first six years, OSD's careful review of sanctions cases led to 38% of cases being referred back to INT because of an OSD determination that there was insufficient evidence to support one or more of the accusations made. Only 5% of cases were rejected by OSD in their entirety.

An effective system would not be possible without independence for both the investigators and the adjudicators. The Thornburgh Report stressed the importance of independence for decision-makers in the sanctions system.<sup>27</sup> The terms of reference of the SDO require that each sanctions case be evaluated impartially, solely on its merits and in accordance with the World Bank Sanctions Procedures (Sanctions Procedures). In deciding on a case, the SDO does not take instructions from any other person or unit.<sup>28</sup>

## The Core Work of OSD

OSD plays a critical role in the World Bank's suspension and debarment system, serving as the initial adjudicator of the sanctions cases initiated by INT.

OSD's core case-related work can be broken down into five major areas:

- ▶ OSD evaluates the evidence in sanctions cases submitted by INT, deciding if there is sufficient evidence that the accused Respondent(s) engaged in the alleged sanctionable practice(s).
- ▶ In cases with sufficient evidence, OSD issues a Notice of Sanctions Proceedings to the Respondent and recommends an appropriate sanction.

- ▶ In most situations where a Notice of Sanctions Proceedings is issued, OSD also imposes a temporary suspension on the Respondent.
- ▶ OSD considers any "Explanation" submitted by a Respondent in response to the Notice of Sanctions Proceedings issued by OSD, deciding if there is a basis to withdraw the case or revise the recommended sanction.
- ▶ In the event that the Respondent does not appeal to the Sanctions Board, OSD imposes the recommended sanction on the Respondent and posts a Notice of Uncontested Sanctions Proceedings on the World Bank's sanctions website.

Not all cases will necessarily proceed to completion in the form of a final public sanction, or even proceed to the earlier step where a Notice of Sanctions Proceedings is issued. In order for a case to be issued to the Respondent and a temporary suspension to be imposed, OSD must first determine that the claims made by INT in the case are supported by sufficient evidence.

## OSD Case Review

All sanctions cases reviewed by OSD are generated by INT. INT has sole responsibility for selecting which matters are investigated, conducting objective fact-finding inquiries and initiating sanctions proceedings when it believes that it has uncovered sufficient evidence that a contractor has engaged in sanctionable misconduct.<sup>29</sup>

If INT finds evidence that it believes is sufficient to demonstrate that a Respondent has engaged in one or more sanctionable practices, it initiates sanctions proceedings by submitting to OSD a document called a "Statement of Accusations and Evidence" (SAE). The SAE states INT's claims and attaches the supporting evidence. This evidence may include, among other things, project information, correspondence with relevant third parties, records or transcripts of interviews with witnesses and/or responses to "show cause" letters issued by INT during its investigation.



## Definitions of Sanctionable Practices

A “corrupt practice” is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party.

A “fraudulent practice” is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.

A “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party.

A “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.

An “obstructive practice” is (i) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or (ii) acts intended to materially impede the exercise of the Bank’s contractual rights of audit or access to information.

The SDO evaluates the accusations and evidence submitted by INT and determines whether INT has presented “sufficient evidence,” which is defined in the Sanctions Procedures as “evidence sufficient to support a reasonable belief, taking into consideration all relevant factors and circumstances, that it is more likely than not that the Respondent has engaged in [the alleged sanctionable practice(s)].”<sup>30</sup> The Sanctions Procedures require INT, as a neutral fact-finder, to disclose all relevant evidence that would reasonably tend to exculpate the Respondent or mitigate the Respondent’s culpability.

OSD subjects all sanctions cases to a meticulous review. Each element of each claim made against each Respondent is carefully considered; no case can be issued to a Respondent until the case has been thoroughly vetted by OSD. Typically the SDO, a senior attorney and a legal intern each analyzes the claims made and the evidence furnished in the SAE, and looks carefully at whether the claims made by INT adhere to the World Bank’s legal framework. If the SDO determines that INT has not put forth sufficient evidence to support one or more of the alleged sanctionable practices, the case is referred back to INT for the removal of the unsupported accusation(s) or, at INT’s discretion, for further investigation.

When the SDO has determined that there is sufficient evidence regarding each of the accusations made in INT’s SAE, the SAE, together with the supporting evidence, is sent to the accused Respondent as part of the Notice of Sanctions Proceedings issued by OSD (see below).<sup>31</sup>

As there can be great variety in the size and complexity of cases, there are no firm requirements for how long a case should stay at any particular level of the investigative or sanctions system, including at OSD for review. OSD endeavors to dispose of cases as quickly and efficiently as possible, and regularly reports on its caseload and reviews the timeliness of its decisions. The average case is with OSD for around 60 days before the evidentiary determination is made, and the office renders a new determination, on average, once every ten days. OSD has created a case management and tracking system that shows the “aging” of current cases at all stages of the sanctions process, as well as historical averages that help to identify trends across time (see Case Data section in this report).



## Case Issuance, Recommended Sanctions and Temporary Suspension

If the SDO finds that the evidence is sufficient to support a determination that the Respondent engaged in each of the alleged sanctionable practice(s), the SDO then issues a Notice of Sanctions Proceedings to the Respondent. The Notice of Sanctions Proceedings, which includes INT's SAE as well as the evidence provided by INT to OSD, formally notifies the Respondent of the commencement of sanctions proceedings. It includes a brief description of the World Bank's sanctions

system and provides instructions on how proceedings may be contested. The Notice of Sanctions Proceedings also specifies the sanction(s) recommended by the SDO; the SDO's choice of recommended sanction is guided by the relevant provisions of the Sanctions Procedures and the World Bank Group Sanctioning Guidelines (Sanctioning Guidelines),<sup>32</sup> taking into account any relevant aggravating and mitigating circumstances. There are five possible sanctions: debarment with conditional release; debarment for a fixed period (without conditional release); conditional non-debarment; public letter of reprimand; and restitution.<sup>33</sup>

## Aggravating Factors

Aggravating Factors Increase	Aggravating Factor
<b>A. Severity of the Misconduct</b>	
1 – 5 years for this category	<ol style="list-style-type: none"> <li><b>Repeated Pattern of Conduct.</b></li> <li><b>Sophisticated means:</b> This includes the complexity of the misconduct (e.g., degree of planning, diversity of techniques applied, level of concealment); the number and type of people or organizations involved; whether the scheme was developed or lasted over a long period of time; if more than one jurisdiction was involved.</li> <li><b>Central role in misconduct:</b> Organizer, leader, planner, or prime mover in a group of 2 or more.</li> <li><b>Management's role in misconduct:</b> If an individual within high-level personnel of the organization participated in, condoned, or was willfully ignorant of the misconduct.</li> <li><b>Involvement of public official or World Bank staff:</b> If the respondent conspired with or involved a public official or World Bank staff in the misconduct.</li> </ol>
<b>B. Harm Caused by the Misconduct</b>	
1-5 years for this category	<ol style="list-style-type: none"> <li><b>Harm to public safety/welfare:</b> When misconduct either resulted in or involves a foreseeable risk of death or bodily injury; if public health or safety is endangered by the misconduct.</li> <li><b>Degree of Harm to Project:</b> Poor contract implementation (e.g., if the quality or quantity of the good or service performed under the contract does not reflect the terms of the contract, either immediately or over time); delay caused.</li> </ol>
<b>C. Interference with Investigation</b>	
1-3 years for this category	<ol style="list-style-type: none"> <li><b>Interference with investigative process:</b> Deliberately destroying, falsifying, altering, or concealing evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or acts intended to materially impede the exercise of the Bank's contractual rights of audit or access to information.</li> <li><b>Intimidation/payment of a witness:</b> If a respondent caused or threatened causing injury to a witness, his or her assets, employment, reputation, [family] or significant others, or if the respondent offered the witness a payment in exchange for non-cooperation with the Bank.</li> </ol>
<b>D. Past History of Adjudicated Misconduct</b>	
10 years	<b>Prior debarment or other penalty:</b> Prior history must involve misconduct other than the misconduct for which the respondent is being debarred. Prior history can include debarments by another MDB.

## Mitigating Factors

Mitigating Factors Decrease	Mitigating Factor
<b>A. Minor Role in Misconduct</b>	
Up to 25%	Minor, minimal, or peripheral participant; if no individual with decision-making authority participated in, condoned, or was willfully ignorant of the misconduct.
<b>B. Voluntary Corrective Action Taken</b>	
Up to 50%; a greater reduction may be warranted in exceptional circumstances.	<ol style="list-style-type: none"> <li><b>Cessation of misconduct:</b> The timing of the action may indicate the degree to which it reflects genuine remorse and intention to reform, or a calculated step to reduce the severity of the sentence.</li> <li><b>Internal action against responsible individual:</b> Management takes all appropriate measures to address the misconduct engaged in on its behalf, including taking appropriate disciplinary and/or remedial steps with respect to the relevant employee, agent, or representative. The timing of the action may indicate the degree to which it reflects genuine remorse and intention to reform, or a calculated step to reduce the severity of the sentence.</li> <li><b>Effective compliance program:</b> Establishment or improvement, and implementation of a corporate compliance program. The timing, scope and quality of the action may indicate the degree to which it reflects genuine remorse and intention to reform, or a calculated step to reduce the severity of the sentence.</li> <li><b>Restitution or financial remedy:</b> When the respondent voluntarily addresses any inadequacies in contract implementation or returns funds obtained through the misconduct. The timing of the action may be indicative of the extent to which it reflects genuine remorse and intention to reform, or a calculated step to reduce the severity of the sentence.</li> </ol>
<b>C. Cooperation with Investigation</b>	
Up to 33%, however, in extraordinary circumstances, a greater reduction may be warranted.	<ol style="list-style-type: none"> <li><b>Assistance and/or ongoing cooperation:</b> Based on INT's representation that the respondent has provided substantial assistance in an investigation, including voluntary disclosure, the truthfulness, completeness, reliability of any information or testimony, the nature and extent of the assistance, and the timeliness of assistance.</li> <li><b>Internal investigation:</b> Respondent conducted its own, effective internal investigation of the misconduct and relevant facts relating to the misconduct for which it is to be sanctioned and shared results with INT. Consideration will also be given to a respondent conducting its own internal investigation that extends beyond the conduct and facts related to the sanctioned misconduct and sharing the results with INT.</li> <li><b>Admission/acceptance of guilt/responsibility:</b> Admissions or full and affirmative acceptance of guilt or responsibility for misconduct earlier in the investigation shall be given more weight than later in the investigation or subsequent proceeding.</li> <li><b>Voluntary Restraint:</b> Voluntary restraint from bidding on Bank-financed tenders pending the outcome of an investigation may also be considered as a form of assistance and/or cooperation.</li> </ol>

Upon issuance of a Notice of Sanctions Proceedings, Respondents for whom the recommended sanction includes a minimum period of debarment exceeding six months are temporarily suspended from eligibility to receive new World Bank-financed contracts pending the final outcome of the sanctions proceedings. World Bank funds are therefore protected from the moment that a temporary suspension is imposed by the SDO.

### Review of Respondent's Explanation

The Respondent has 30 days from the date of delivery of the Notice of Sanctions Proceedings to submit a written "Explanation" to OSD. This Explanation gives the Respondent an opportunity to explain why it believes that the Notice of Sanctions Proceedings should be withdrawn or the recommended sanction revised. The SDO may decide to withdraw the Notice in light of the arguments and evidence in the Explanation, "upon concluding that there is manifest error or other clear basis for supporting a finding of insufficiency of evidence."<sup>35</sup> Even if the Notice of Sanctions Proceedings is not withdrawn, the SDO may decide to revise the recommended sanction "in light of evidence or arguments as to mitigating factors presented by the Respondent."<sup>36</sup>

### Uncontested Proceedings; Appeals to the Sanctions Board

In addition to the opportunity to submit an Explanation to OSD, the Respondent has 90 days from the date of delivery of the Notice of Sanctions Proceedings to appeal the case to the Sanctions Board by submitting a "Response" contesting INT's accusations and/or the SDO's recommended sanction. If the Respondent does not submit a Response to the Sanctions

## Temporary Suspension

### What is a temporary suspension?

As of June 30, 2013, OSD has imposed 239 suspensions.

A temporary suspension is, like a debarment, a declaration of ineligibility, meaning that, once suspended by the SDO, a Respondent is no longer eligible to receive new contracts for World Bank-financed projects. A temporary suspension differs from a debarment in that: (1) a temporary suspension is imposed while sanctions proceedings remain underway, whereas debarment is a final sanction imposed only at the conclusion of proceedings; and (2) a temporary suspension is not announced publicly, though it is posted on the World Bank's intranet and the "Client Connection" extranet site used by borrowing countries. Another difference is that temporary suspension is not covered by the cross-debarment agreement among MDBs, and as such there is no "cross-suspension" among MDBs.

### What is "early temporary suspension," and how is it different?

Added to the Sanctions Procedures in 2009, "early temporary suspension" (ETS) is simply a different procedure through which a temporary suspension can be imposed. The ETS procedure permits the imposition of a temporary suspension, even though INT's investigation remains ongoing, in certain cases where INT already has in hand sufficient evidence of some misconduct. Before INT concludes an investigation, if INT believes that there is sufficient evidence to support a finding of at least one sanctionable practice against a Respondent, and that it is highly likely that an SAE will be submitted to the SDO within a maximum period of one year, INT may present to the SDO a document called a "Request for Temporary Suspension." If the SDO determines that the evidence in the Request for Temporary Suspension is sufficient to support a finding that the Respondent has more likely than not engaged in a sanctionable practice, the SDO may issue a Notice of Temporary Suspension and impose a temporary suspension on the Respondent, even though INT's investigation remains open.<sup>34</sup>

Board within 90 days, the SDO imposes the sanction recommended in the Notice of Sanctions Proceedings and posts a Notice of Uncontested Sanctions Proceedings on the World Bank's website.

### Debarment with Conditional Release and Integrity Compliance

The World Bank has developed detailed guidance on the principal conditions for release from debarment, which focus on the debarred party demonstrating that it has in place, and has implemented for an adequate period, an integrity compliance program satisfactory to the World Bank. World Bank staff engaged in extensive consultations with both public and private sector stakeholders, and studied international best practice models, including the OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance, in developing the integrity compliance guidelines against which the compliance programs of sanctioned parties are evaluated.

There is an emerging global consensus as to the principles and components required for an effective integrity compliance program. The guidance developed by the Bank reflects this international consensus. At the same time, the guidance recognizes the need for flexibility in applying fundamental principles to the particular circumstances of sanctioned parties, particularly small and medium-sized enterprises, which play a major role in World Bank-financed operations in developing countries, and for which a full-blown compliance program may be unnecessary or prohibitively expensive. Program elements need to be tailored to the party in question, taking into account such criteria as its size, business sector, and particularly its risk areas, as well as the legal environment(s) in which the party operates.

The World Bank Group's Integrity Compliance Office (ICO), housed within INT, has been established for the purpose of providing guidance to sanctioned parties in establishing appropriate integrity compliance programs in order to fulfill the conditions for their release from debarment (or, in the case of conditional non-debarment, the conditions for continued non-debarment). The ICO also monitors the implementation of such programs and decides whether the conditions have been satisfied.<sup>98</sup>

If the Respondent does submit a Response, INT is then given 30 days to submit to the Sanctions Board a "Reply" to the arguments and evidence contained in the Respondent's Response. Either INT or the Respondent may request a hearing before the Sanctions Board; a hearing may also be held if called by the Sanctions Board Chair. Before making a decision, the Sanctions Board considers the accusations and evidence contained in the Notice of Sanctions Proceedings, the arguments and evidence submitted by the Respondent in its Response, INT's Reply, the parties' presentations at a hearing, if applicable, and any other materials contained in the record. The Sanctions Board reviews the case *de novo* and is not bound in any way by the SDO's determination or



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Hassane Cisse, World Bank Deputy  
General Counsel and World Bank Group  
Sanctions Board Member, opening the  
2012 Colloquium

recommended sanction. After completing its deliberations, the Sanctions Board issues a fully reasoned decision as to whether it is more likely than not that the Respondent engaged in sanctionable misconduct. If it finds that the Respondent has engaged in sanctionable misconduct, the Sanctions Board imposes an appropriate sanction. Decisions of the Sanctions Board are final and non-appealable. Sanctions Board decisions since 2012 are published on the World Bank's website.<sup>37</sup>

### Multilateral Development Bank (MDB) Cross-Debarment

In most cases, a debarment imposed by the World Bank will also be recognized by a number of other MDBs. The 2010 agreement between the World Bank, the African Development Bank,<sup>39</sup> the Asian Development Bank,<sup>40</sup> the European Bank for Reconstruction and Development<sup>41</sup> and the Inter-American Development Bank<sup>42</sup> provides that, in most cases, a firm or individual debarred by one MDB for more than a year will be "cross-debarred" by the others.<sup>43</sup>

### OSD's Role in Negotiated Resolution Agreements (Settlements)

Per amendments to the Sanctions Procedures approved by the World Bank's Board of Executive Directors in 2010, INT and a Respondent may resolve a sanctions case prior to or during the pendency of sanctions proceedings by entering into a Negotiated Resolution Agreement, or settlement. Settlements are subject to clearance by the World Bank Group General Counsel before their submission to the SDO and are reviewed by the SDO only to confirm that: (i) the settlement was entered into voluntarily and without duress and (ii) the agreed-upon sanction is broadly consistent with the Sanctioning Guidelines.<sup>44</sup> The SDO's review is limited to either accepting or rejecting the settlement; the SDO may not modify the terms of the settlement in any respect. Upon confirmation by the SDO that the settlement meets the prescribed standards, the sanction agreed upon by the Respondent and INT becomes the final sanction and is posted by INT on the World Bank's website.

In most cases, a debarment imposed by the World Bank will also be recognized by a number of other multilateral development banks.

# LESSONS LEARNED

Effective case management depends on good data collection. Every process can be broken down into component parts and tracked. Over time, patterns will become evident, suggesting whether efficiencies need to be achieved. Confidentiality must be preserved with regard to individual cases; overall trends and outcomes, however, are not confidential.

After six years in operation, there are some important lessons the World Bank Office of Suspension and Debarment (OSD) has learned that may be useful to others engaged in similar efforts.

1. Fraud can be as significant to development effectiveness as corruption or collusion, because unqualified consultants and contractors often cannot perform or end up delivering defective goods and services. In many cases, fraud can be proven relatively easily, and often with a minimum amount of time and resources. By keeping simple cases simple, the institution's funds can be protected early on (i.e., from the moment a temporary suspension is in place) and time and resources can be made available for more complex cases.
2. A suspension and debarment office has an adjudicative function that requires independence. The measure of a truly independent suspension and debarment function is the ability to impose sanctions without internal or external interference and, equally importantly, to resist internal and external pressure to impose sanctions where there is insufficient evidence.
3. Clear terms of reference are essential. This will ensure that the Suspension & Debarment Officer (SDO) can focus on the job at hand rather than having to delineate the contours of his/her mandate.
4. Timeliness should be measured in every aspect of the suspension and debarment process, and should be transparent internally and externally. This means that results are visible not only to team members, management and other internal audiences but also to external stakeholders, for example through reports such as this one. As timeliness is a key element of fairness, the ability to demonstrate timeliness bolsters the credibility of a suspension and debarment system with stakeholders and, in the World Bank context, helps development projects to proceed on schedule.
5. Efficiency also protects the function's independence. The SDO cannot be told how to adjudicate individual cases, but can rightly be asked to account for how time and money is spent overall.
6. Effective case management depends on good data collection. Every process can be broken down into component parts and tracked. Over time, patterns will become evident, suggesting whether efficiencies need to be achieved. Confidentiality must be preserved with regard to individual cases; overall trends and outcomes, however, are not confidential.
7. Internal processes are important. Documenting one's thinking and thought process on different decisions helps ensure equal treatment of all respondents. Documentation promotes discipline and quality and allows an examination of decisions over a period of time.
8. All instructions, requests and decisions related to the office's functioning and decision-making should be in writing, guaranteeing accountability and adherence to policy and precedent.
9. Setting up a suspension and debarment system presents significant challenges, especially in an organization where the function is new. A "start-up" checklist should include:
  - securing sufficient budget to start operations and hire and train personnel
  - setting up administrative and case management systems
  - keeping a chronological file for each individual case, noting every meeting, telephone call, inquiry or email touching on that matter
  - creating case-related procedures and policies and protocols for interaction with other internal and external stakeholders



- creating a mechanism for obtaining interpretations on legal and procedural matters where needed
  - creating vehicles to resolve new policy issues, which are inevitable in any system
  - engaging in outreach to explain the function to internal and external stakeholders
  - exchanging best practices with counterparts at other institutions
10. Establishing internal administrative policies and procedures will improve quality and, especially in a small operation, maximize the office's output. OSD uses written checklists for a wide range of procedures, including:
- New staff orientation
  - Confidentiality agreements for all staff members
  - Information security protocol
  - Staff travel
  - Event planning
  - Business continuity planning
  - Staff exit and handover
  - Case protocols describing specific procedures for:
    - Reviewing Statements of Accusations and Evidence
    - Filing case-related materials
    - Notifications related to sanctions cases
    - Posting temporary suspensions
    - Shipping and tracking Notices of Sanctions Proceedings
    - Constructive delivery
    - Reviewing Explanations
    - Resolving uncontested cases
    - Weekly case status checklist
    - Case Management System (CMS)
    - Archiving
11. Rules and guidance should be public, not just for the sake of transparency, but also to ensure stability.
12. Public reporting is an essential part of transparency.



▲  
Left to right: Andrea Testa, Conrad Daly, and Alan Wu of the World Bank Legal Vice Presidency; Teresita Perez, Soramon Uraeepatanapong, Katherine Sylvester, JungSoo Kim, and Elizabeth Buehler of the World Bank Office of Suspension and Debarment

## 2012 AND 2014 COLLOQUIA ON SUSPENSION AND DEBARMENT

The focus of the second Colloquium on May 15, 2014 at the World Bank was comparative system analysis.

On October 9, 2012, OSD, together with the American Bar Association, the International Bar Association and the George Washington University Law School, hosted a colloquium under the auspices of the Global Forum on Law, Justice and Development. Over 200 interested representatives from non-governmental organizations, law firms, governments, international organizations and the World Bank participated.

Four panels showcased the broad range of suspension and debarment systems currently in place or under development worldwide. Panelists suggested that perhaps the correct mode of comparison is not to categorize different suspension and debarment systems in binary terms as either “discretionary” or “mandatory,” but rather to answer each of the following questions: Who makes the sanctions decisions? Who is being protected by the adjudicative system? What are the offenses that are the bases for sanctions? Why are these offenses sanctionable?



Left to right: Timothy Dickinson, Partner, Paul Hastings LLP; Frank Anthony Fariello, Lead Counsel, World Bank Legal Vice Presidency; Elizabeth Lin Forder, Secretary to the Sanctions Board, World Bank Group Sanctions Board Secretariat; Andrés Rigo Sureda, Member, Inter-American Development Bank Sanctions Committee and Member, African Development Bank Sanctions Board

The panel on the U.S. system highlighted the importance of the suspension and debarment official's determination as to whether the contractor in question is “presently responsible.” Panelists emphasized that the U.S. system was not intended to be a form of punishment; the purpose is to protect the government customer from corrupt and unqualified (or otherwise incompetent) firms. The goals of this administrative system are therefore notably different from those of the criminal justice system: the suspension and debarment system is primarily intended to ensure that the U.S. government contracts only with presently responsible firms. On the other hand, it was noted that, while the suspension and debarment system may be administrative rather than criminal in nature, it can have a significant impact on business.

The second panel dealt with systems in the European Union and India. The EU has a mandatory debarment system and the potential for much longer debarment periods. In contrast to the U.S. system, there is no “lead agency” concept within the EU system to coordinate debarment determinations, and each procuring entity may determine on its own whether to debar a company. Proposed changes to the current EU directive, however, strengthen many gaps in the current system; these changes introduce the idea of “self-cleaning” (giving incentives for companies to implement compliance programs) and add additional grounds for discretionary exclusion. In India, suspension and debarment decisions are largely discretionary and are carried out by procuring entities within states and local governments, with the Ministry of Commerce making decisions for government-wide debarment.



The third panel focused on MDBs. Since their mission is to promote economic development, the focus of their suspension and debarment systems is improving productivity and efficiency in the distribution of aid. MDBs do not have open-ended discretionary systems; the rules generally provide for the imposition of sanctions in the event that misconduct is established, with the range of possible penalties defined by the procedures of the MDBs.

## 2014 COLLOQUIUM

The focus of the second Colloquium on May 15, 2014 at the World Bank was comparative system analysis. Sessions examined the purposes of suspension and debarment systems, different approaches regarding the standard for exclusion, the level of due process and the role and profile of the decision-maker, and the relationship of suspensions and debarments to other corrective measures and remedies (how exclusion relates to criminal prosecution, civil actions, fines and payment of damages). When available, proceedings will be posted online.

**Proceedings of the 2012 and 2014 Colloquia are available online:**

[http://globalforumljd.org/events/2012/100912\\_suspension.htm](http://globalforumljd.org/events/2012/100912_suspension.htm)

[http://globalforumljd.org/events/2014/051514\\_suspension.htm](http://globalforumljd.org/events/2014/051514_suspension.htm)



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**Top Row (left to right):** Juan Ronderos, Sanctions Case Officer, Inter-American Development Bank; Daniel I. Gordon, Associate Dean for Government Procurement Law Studies, The George Washington University Law School; Jessica Tillipman, Assistant Dean for Field Placement and Professorial Lecturer in Law, The George Washington University Law School; Dr. Hans-Joachim Priess, Partner, Freshfields Bruckhaus Deringer LLP, Berlin, Germany; Christopher R. Yukins, Professor of Government Contracts Law and Co-Director of the Government Procurement Law Program, The George Washington University Law School; Steven A. Shaw, Senior Counsel, Covington & Burling LLP and Former Deputy General Counsel for Contractor Responsibility, U.S. Department of the Air Force  
**Bottom Row (left to right):** Stuart Kerr, Director, Legal and Regulatory at Millennium Challenge Corporation; Timothy Dickinson, Partner, Paul Hastings LLP, Andrés Rigo Sureda, Member, Inter-American Development Bank Sanctions Committee and Member, African Development Bank Sanctions Board; Pascale Hélène Dubois, Chief Suspension and Debarment Officer, World Bank



# CASE DATA

When OSD was created, its terms of reference expressly called for the creation of a data management system. OSD has gathered statistics since receiving its first case.

OSD tracks a variety of indicators that provide insight into the workings of the sanctions system beyond the basic input and output measures of caseload, suspensions and debarments.<sup>45</sup> The World Bank's investigative and sanctions processes are well suited for tracking and measuring, given the specific milestones required. In many circumstances there are prescribed time limits for how long each step can take – for example, subject to any extension or stay of proceedings, Respondents have 90 days to appeal to the Sanctions Board by submitting a Response.

Tracking all steps from beginning to end allows OSD and others involved in the investigative and sanctions processes to monitor trends. This information in turn provides the World Bank with opportunities to direct its resources efficiently and effectively.

The following series of charts provides a glimpse into the OSD case review process from a number of angles, and also provides information about the performance of the World Bank suspension and debarment system in general. Unless otherwise noted, all charts cover the period from OSD's inception through the end of FY13. The case tracking data shown here reveals no detail about individual cases beyond generic identifiers such as case numbers and milestone dates.

## OSD DASHBOARD

This “all in one” dashboard with overall OSD caseload management statistics is used by the SDO and shared with senior managers who need a snapshot of activity in the sanctions system, both on a current basis and in comparison to historical activity. The dashboard shows, on a quarterly basis, all key case activity since OSD’s inception, including the number of cases and settlements submitted by INT, the number of suspensions imposed by OSD, and the number of final sanctions imposed by OSD and the Sanctions Board. For each such measure, there is a further breakdown showing the status of active cases (for example, how many cases are with OSD for review, or how many issued cases are with Respondents pending their decision to appeal).

OSD Caseload	FY07/08		FY09					FY10					FY11					FY12					FY13					
Sanctions Cases	Total	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Total
Sanctions Cases Submitted to OSD by INT	2	3	1	2	6	30	39	2	7	14	20	43	6	3	9	9	27	1	5	9	10	25	10	6	7	10	33	172
OSD Initial Review Completed	0	5	1	1	2	11	15	20	6	6	12	44	14	13	4	9	40	7	4	4	7	22	9	8	5	9	31	157
Sanctions Cases Issued by OSD to Respondents	0	3	1	0	2	7	10	17	8	2	2	29	1	3	17	12	33	12	9	1	11	33	9	5	6	5	25	133
Settlement Agreements																												
Settlement Agreements Submitted to OSD by INT	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1	9	11	1	9	4	2	16	0	4	1	3	8	35
OSD Review Completed	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1	8	10	2	9	4	1	16	1	2	3	3	9	35

## Sanctions Results

Firms and Individuals Temporarily Suspended by OSD	0	2	16	4	0	12	32	21	20	0	10	51	0	5	30	20	55	18	17	1	22	58	20	9	5	7	41	239
Firms and Individuals Debarred or Otherwise Sanctioned	0	2	1	0	8	4	13	8	18	10	9	45	12	4	2	16	34	22	29	17	15	83	9	19	10	9	47	224

### 172 Sanctions Cases Submitted by INT

165	have been “regular” sanctions cases
7	have been early temporary suspension cases
18	have been withdrawn by INT/closed by OSD
2	have been settled prior to OSD initial review
7	are with OSD for initial review
11	are with INT for revisions
1	is with OSD for supplemental review
133	have been issued to respondents

### 133 Cases Issued by OSD

1	involves an ongoing early temporary suspension
7	are with the respondents
14	are on appeal
2	have been early temporary suspension cases superseded by an SAE
109	have been totally completed

### Percentage of Issued Cases Resolved at OSD Level

60%	have been resolved at OSD level
40%	have been appealed to the Sanctions Board

### 239 Firms/Individuals Temporarily Suspended

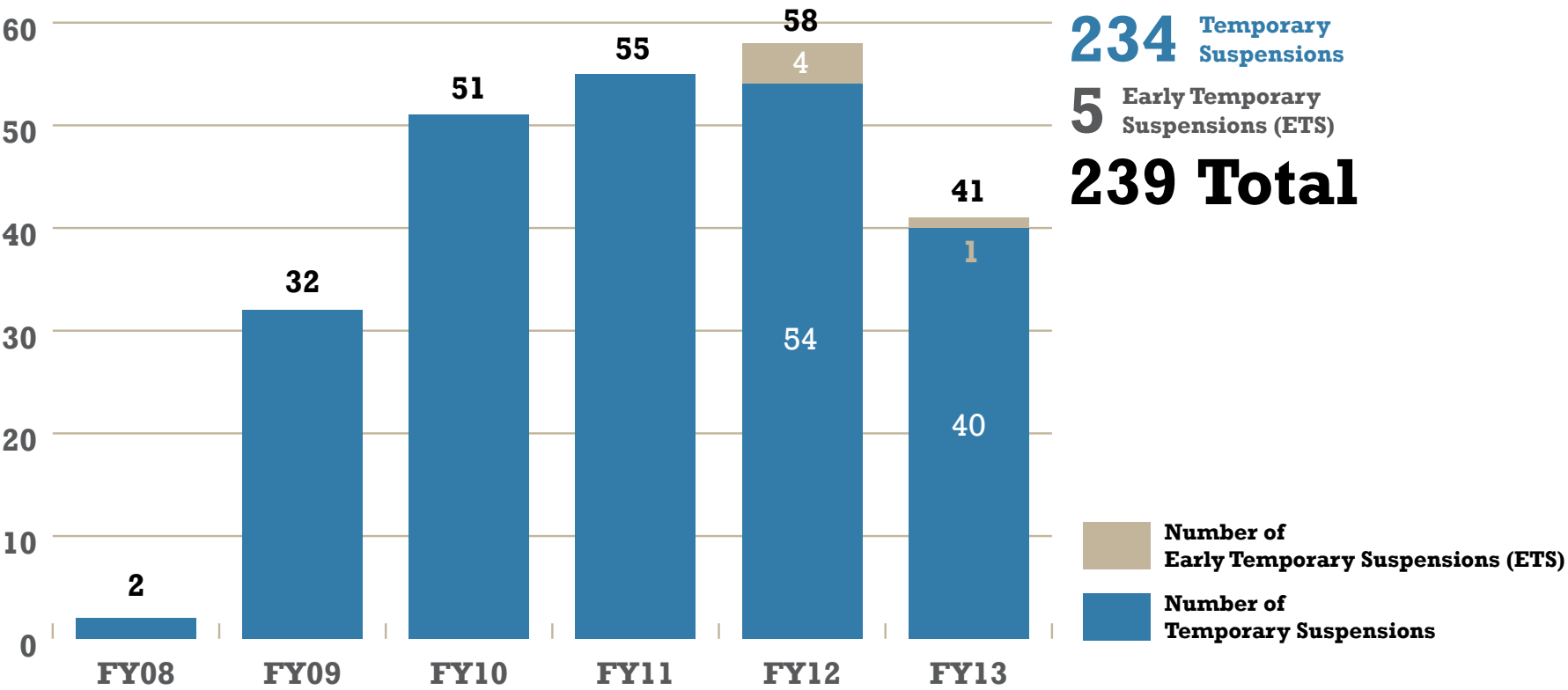
185	Have been sanctioned by OSD/the Sanctions Board
4	have been sanctioned pursuant to a settlement agreement with INT after the temporary suspension
10	have not been found liable by the Sanctions Board
37	remain under temporary suspension
2	have been released following withdrawal of Notice
1	has been released following revision of recommended sanction

### 224 Firms/Individuals Debarred or Otherwise Sanctioned

185	have been sanctioned pursuant to OSD/Sanctions Board decisions
39	have been sanctioned pursuant to settlement agreements

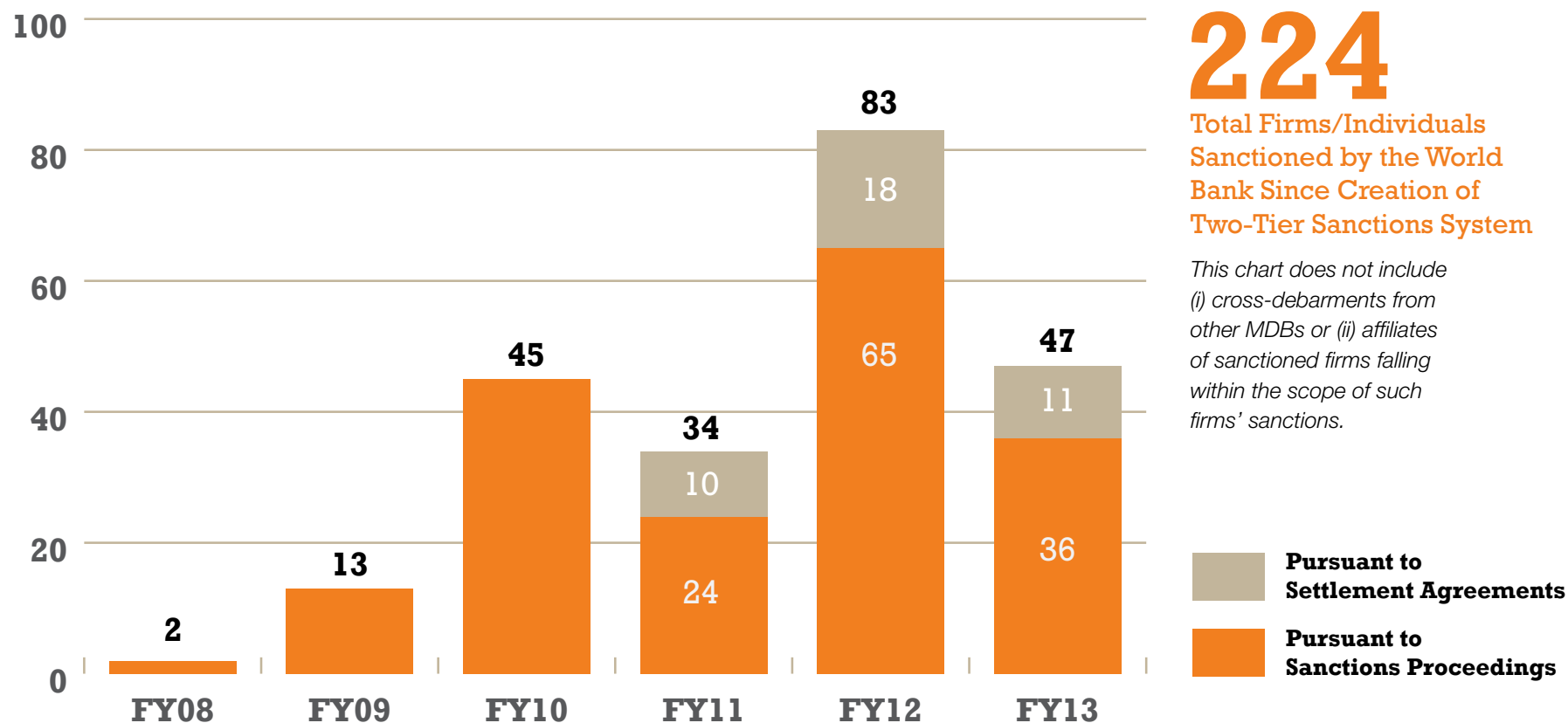
# NUMBER OF FIRMS/INDIVIDUALS TEMPORARILY SUSPENDED BY OSD

Since its inception, OSD has imposed temporary suspensions on 239 firms and individuals. This chart shows the total by fiscal year, and highlights the proportion of those temporary suspensions that were imposed pursuant to the “early temporary suspension” (ETS) procedure.



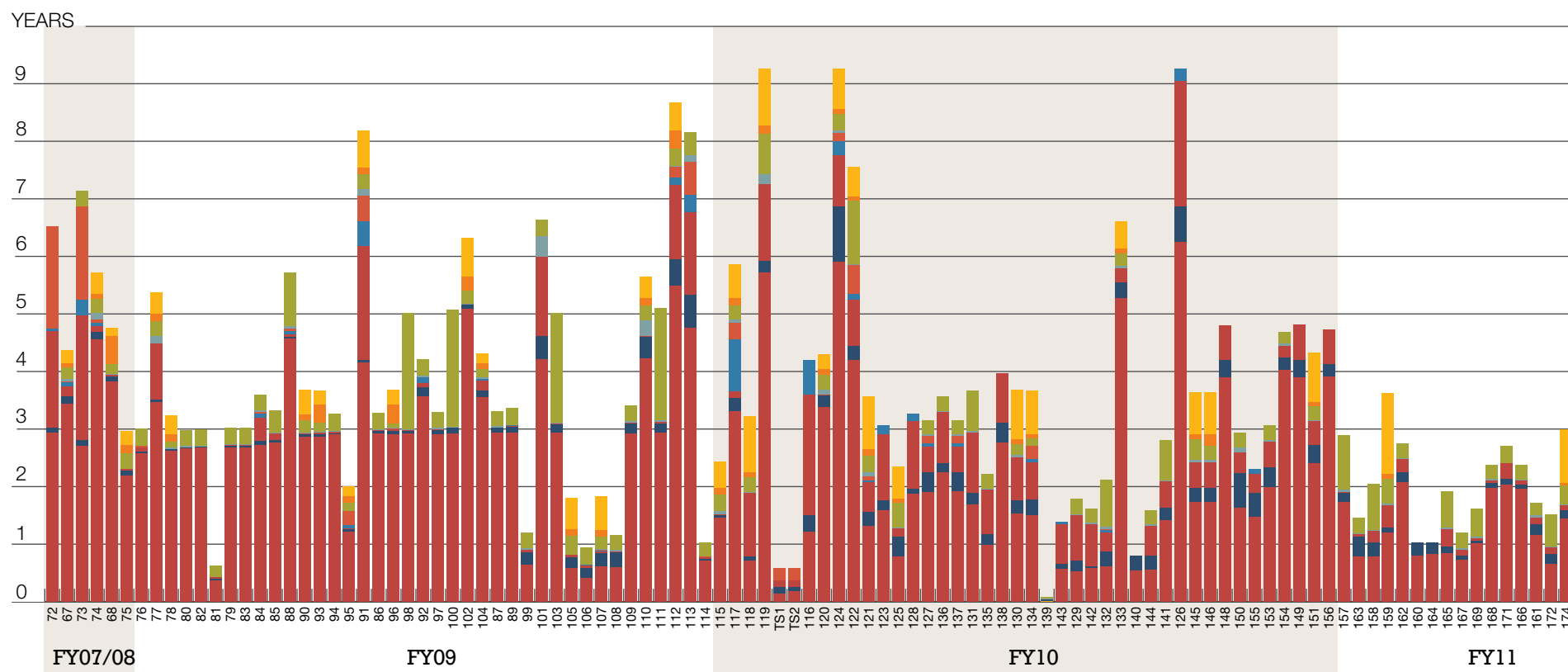
## NUMBER OF FIRMS/INDIVIDUALS DEBARRED OR OTHERWISE SANCTIONED

The World Bank has debarred or otherwise sanctioned 224 firms and individuals since the creation of the two-tier sanctions system. This chart shows the total number of sanctions imposed by fiscal year, and highlights the proportion of sanctions that were imposed pursuant to settlement agreements, as opposed to sanctions proceedings.



## DURATION OF CASES THROUGH FINAL SANCTIONS DECISION

A common question posed to OSD is “how long does a sanctions case take?” This chart shows all sanctions cases (excluding settlements) that have been submitted to OSD since its inception. The chart measures the time taken up in the investigative phase and in each phase of the sanctions process through final resolution. It should be noted that some cases, particularly those submitted in FY12 and FY13, are still active, and therefore the timelines for these cases are not complete, potentially skewing the overall picture to a small degree.



The colors correspond to the various actors in the sanctions process:

**Red** and **orange** lines indicate INT activity. The first portion of each line, in red, represents the period between the date of the earliest investigative activity reflected in the case exhibits (such as the date of the first witness interview; INT will have received the original allegation some time prior to that) and the

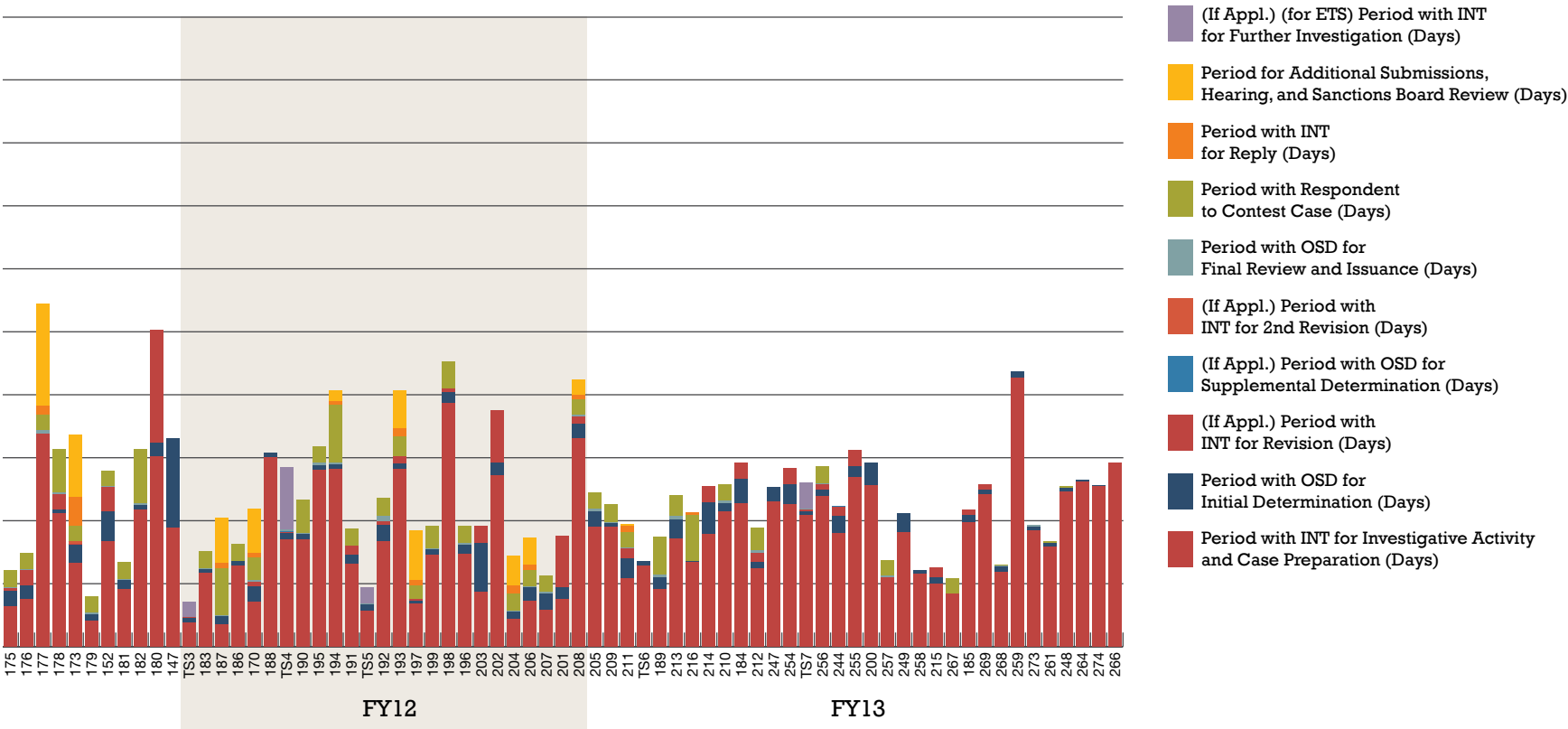
date of submission of the case to OSD. Subsequent red portions reflect the period in which a case is, if necessary, back with INT for revision, following an OSD determination on the evidence. In cases that are appealed to the Sanctions Board, the orange portion reflects the period (30 days, subject to extension) during which INT may submit a “Reply” to the Respondent’s appeal.

**Blue** lines indicate OSD activity. For example, the first blue portion of each line represents the amount of time that a case remains with OSD for initial determination. Subsequent blue portions reflect either (i) supplemental review periods, where INT has resubmitted a case after making revisions in response to OSD’s initial determination, or (ii) the period in which OSD prepares a case for issuance to the Respondents.

**Green** lines indicate the amount of time that a case is with the Respondent, pending the Respondent’s decision whether or not to appeal the case to the Sanctions Board. If the Respondent does not appeal, the final portion of the line for that case is green.

**Yellow** lines reflect the period for additional submissions, any hearing and Sanctions Board review for appealed cases.

While this data gives a useful overview of the activity in the sanctions system and the typical life cycle of sanctions cases, it must be noted that many factors can have an impact on the timeline of a particular case, such as the complexity of the matters involved, stays for unsuccessful settlement negotiations during investigations, the need to obtain legal and procurement policy advice on case-specific matters, extensions to submission deadlines and additional submissions requested by the parties.



Notes:

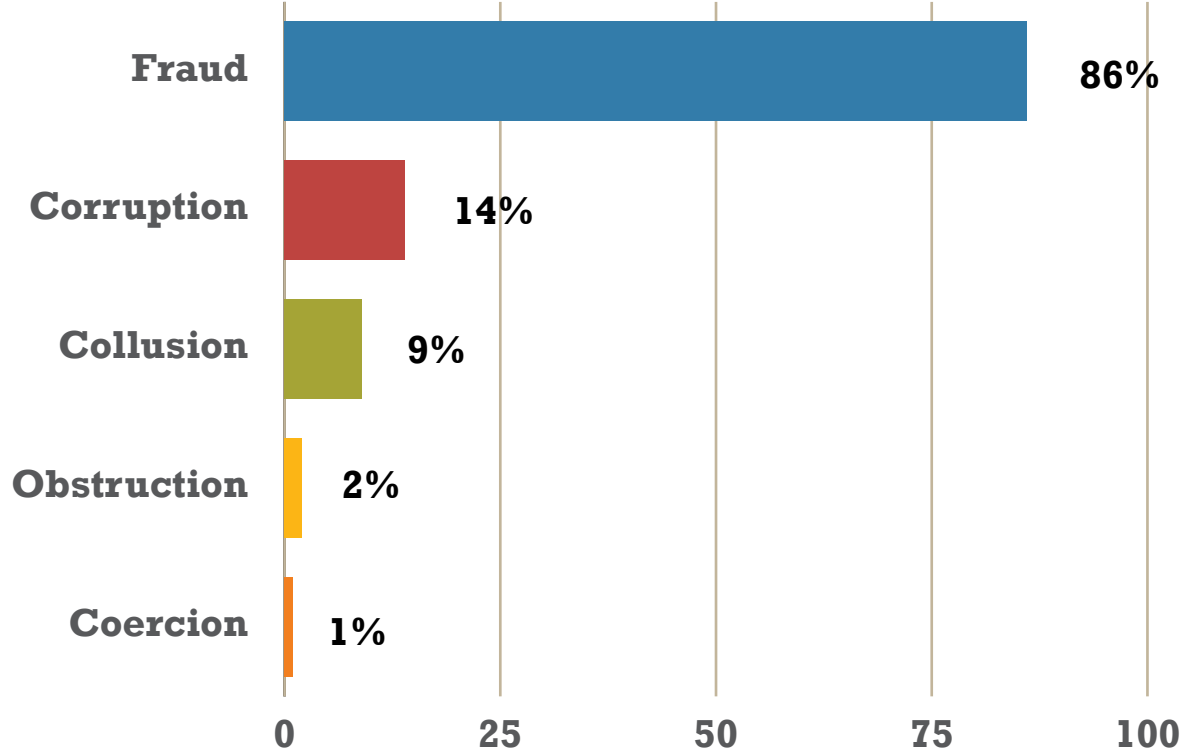
1. All data as of June 30, 2013. Includes all submitted cases (SAEs and RTSs), and as such averages may be skewed slightly downward because of cases that are pending in each stage (e.g., as of June 30, 2013, Case No. 266 had been with OSD for initial review for 2 days, but the initial review remained pending, such that the final number of days for this stage can be expected to be greater than the 2 currently shown as of June 30, 2013).
2. In cases with multiple respondents, the date given for (i) delivery of Notice, (ii) receipt of Response, (iii) date of extension and/or (iv) uncontested determination is the latest applicable date (e.g., if the Notice is delivered on three different dates to the three respondents in a case, the latest date is used).
3. Four cases (Case Nos. 98, 100, 103 and 111) that were initially issued between July and September 2009 were reissued under the new Sanctions Procedures in March 2011 to permit constructive delivery. Since it relates to a delay in delivery, the intervening time has been attributed to the respondents, as have delivery delays under the new Sanctions Procedures.
4. For uncontested cases for which the Notice was issued to the Respondent on or after September 15, 2010, OSD issued a determination reflecting the imposition of the sanction recommended by the SDO in the Notice. For uncontested cases for which the Notice was issued prior to such date, the Sanctions Board issued a determination imposing the SDO's recommended sanction.

See the sanctions system website ([www.worldbank.org/sanctions](http://www.worldbank.org/sanctions)) for updated information and copies of recent Sanctions Board decisions and SDO determinations.

**See Annex A for Detailed Breakdown of Duration of Cases**

# TYPOLOGY: PERCENTAGE OF CASES/SETTLEMENTS RECEIVED BY TYPE OF SANCTIONABLE PRACTICE

This chart shows what percentage of the cases and settlements received by OSD since its inception involved claims of each type of sanctionable practice: fraudulent practice, corrupt practice, collusive practice, obstructive practice and coercive practice. The total of the percentages exceeds 100% because a number of cases have involved claims of more than one type of sanctionable practice (for example, payment of a bribe (corrupt practice) and the submission of false documents (fraudulent practice)). For a further breakdown of the types of fraudulent practice claims, see Typology: Breakdown of Fraudulent Practice Claims.





## TYOLOGY: BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS

This detailed case-by-case breakdown shows the different types of fraudulent practice claims that have appeared in sanctions cases received from INT. First, a distinction is made between fraud cases that involve the forgery of third-party documents and those that involve other types of fraud. Then, within each of these two streams, a further categorization is done to reflect the specific type of forgery or other fraud. For example, within the forgery stream, common instances are bid securities, performance certificates and manufacturer's authorizations. Within the other stream, common instances are misrepresentations of experience, over-invoicing and failure to make required disclosures of conflicts of interest. The totals at the bottom of each column show how often INT has sent each such type of claim to OSD for decision-making.

Total No. of Cases	Case Type	Fraud									Collusion	Corruption	Obstruction	Coercion				
		Forged Third Party Documents				Other Fraud												
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud								
172	SAEs and RTSs	28	23	37	13	13	13	21	9	31	12	27	4	1				
35	Settlements	0	1	2	2	14	6	1	5	3	6	3	0	0				
Total Number of Instances		28	24	39	15	27	19	22	14	34								
Total Number of Forgery Cases vs. Other Fraud Cases					105					99								
Total Number of Cases by Type of Sanctionable Practice		179									18	30	4	1				
Cases with more than 1 type of misconduct						21												

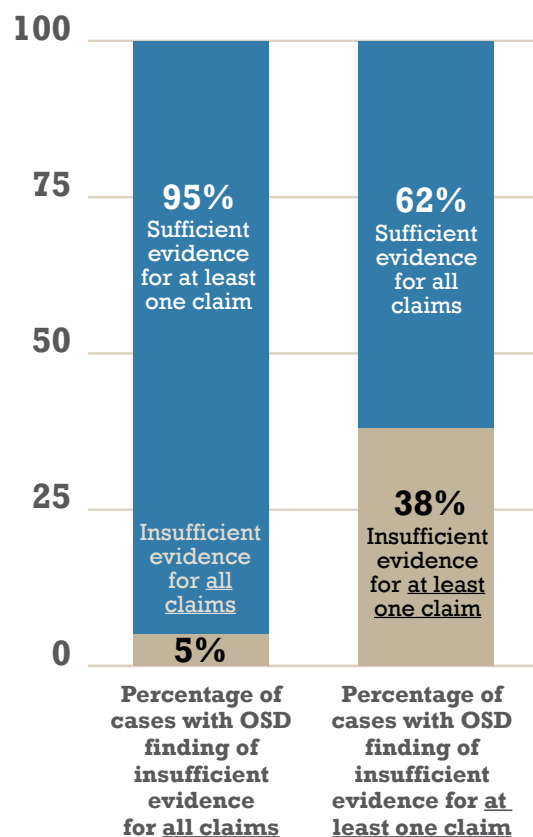
See Annex B for Detailed Breakdown of All Fraudulent Practice Claims

## OSD DETERMINATIONS BY CASE

In 95% of the cases that OSD has reviewed to date, OSD determined that there was sufficient evidence to support at least one for the claims made by INT.

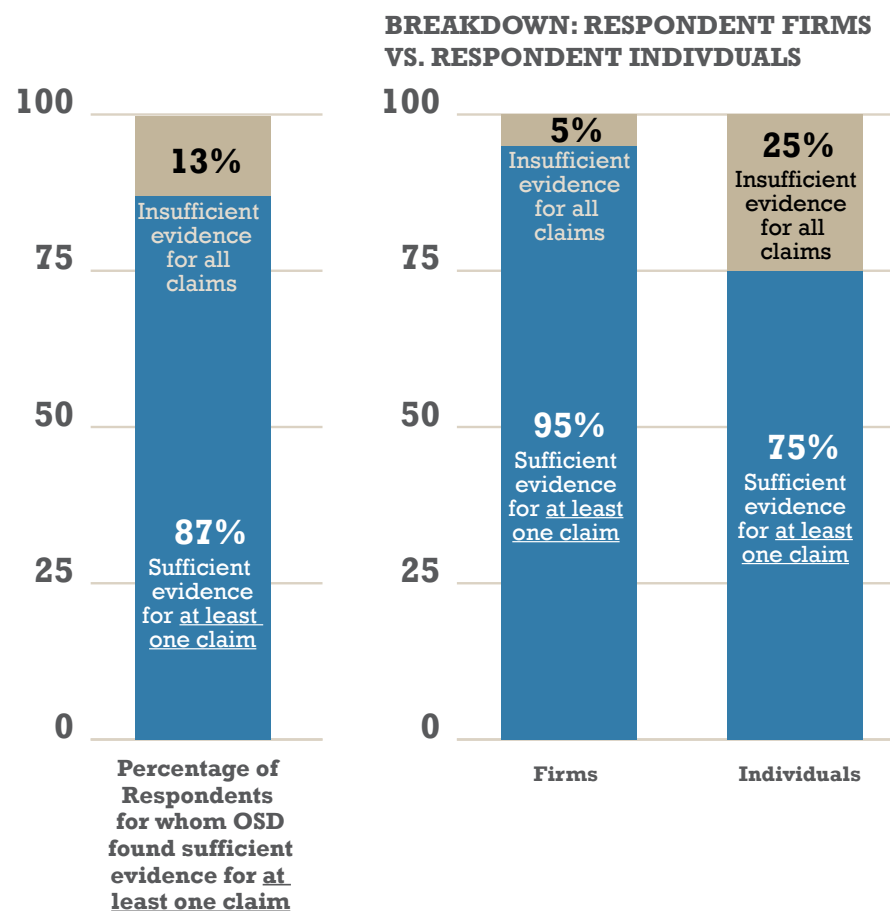
In 38% of the cases reviewed, OSD determined that there was insufficient evidence to support one or more of the claims made by INT, resulting in the referral of the case back to INT for revision:

- In a slight majority of such cases, OSD found that there was insufficient evidence for all claims against one or more of the Respondents in the case, meaning that INT was required to drop those Respondents from the case.
- In the remainder of such cases, OSD found that there was sufficient evidence for at least one claim against all Respondents, but insufficient evidence for certain other claims, meaning that INT was required to drop those claims from the case.



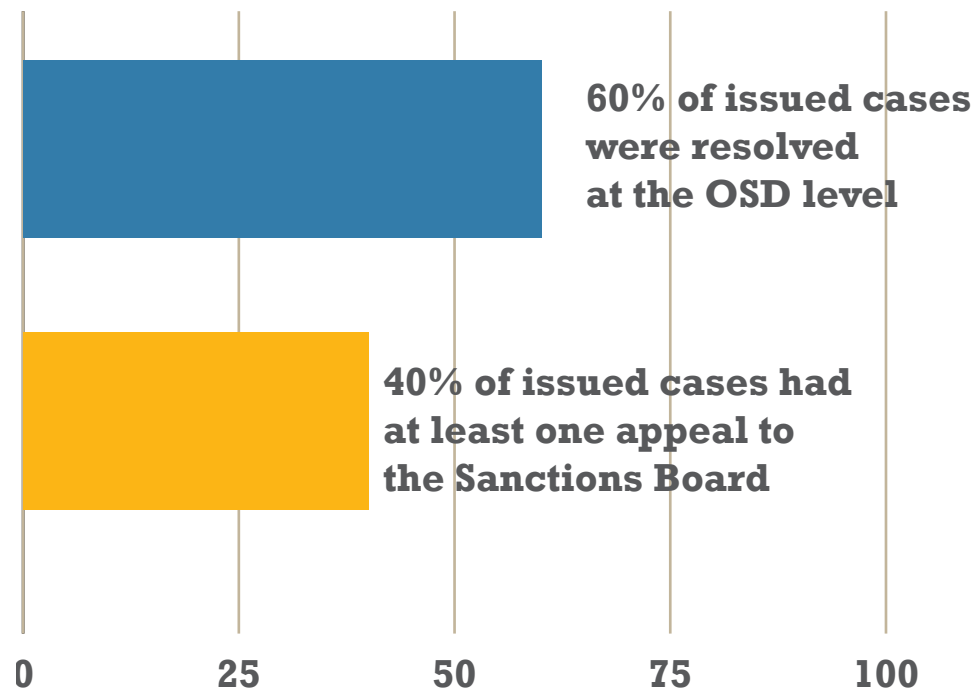
## OSD DETERMINATIONS BY RESPONDENT

There is another way to look at OSD's determinations, which is to consider the proportion of respondents for which OSD found that there was sufficient evidence for at least one instance of sanctionable misconduct. For 87% of the Respondents in cases reviewed to date, OSD found that there was sufficient evidence for at least one INT claim, meaning that there was a basis for the SDO to recommend a sanction and impose a temporary suspension. For the remaining 13% of the Respondents, OSD found that there was insufficient evidence on all claims, meaning that INT was required to drop those Respondents from the case.



## PERCENTAGE OF ISSUED CASES RESOLVED AT OSD LEVEL

This chart shows the percentage of sanctions cases issued by OSD in which none of the Respondents submitted an appeal to the Sanctions Board, meaning that those cases were resolved at the OSD level.



# OSD OUTREACH

As a relatively new function within a large institution, OSD has made many presentations to inform World Bank colleagues about its mission, processes and results. OSD has also participated in a variety of external fora to discuss both the World Bank's suspension and debarment system and the World Bank's broader governance and anti-corruption agenda. OSD is in regular contact with other suspension and debarment officials in national governments and international organizations. In addition, OSD is often consulted by national governments and international organizations that are setting up or expanding suspension and debarment processes. This type of dialogue may take on increasing importance as the World Bank's shift to country-led systems continues.

Examples of conferences and other events at which OSD staff have participated as presenters include:

- ▶ Global Forum for Law, Justice and Development, "2012 Colloquium on Suspension and Debarment: Towards an Integrative Approach?" World Bank, Washington, D.C.
- ▶ 15th International Anti-Corruption Conference (IACC), "Combating Corruption in the Private Sector: Eliminating Impunity Through Corporate Anti-Corruption Programs," Brasilia, Brazil
- ▶ The American Conference Institute's 3rd Global Forum on Anti-Corruption Compliance in High Risk Markets, "Implementing Country-Specific Strategies to Detect, Investigate and Prevent FCPA/Anti-Bribery Compliance and Enforcement Risks," Washington, D.C.

- ▶ International Law Institute (ILI), Governance and Anti-Corruption Seminar, "The World Bank's Governance and Anti-Corruption Efforts," Washington, D.C.
- ▶ The American Conference Institute's 2012 Singapore Summit on Anti-Corruption Compliance and Risk Management, "How Multilateral Development Banks are Enforcing Anti-Corruption Measures and Coordinating Investigations," Singapore
- ▶ American Society for International Law, 107th Annual Meeting on "Anti-Corruption Initiatives," Washington, D.C.
- ▶ American Conference Institute's 29th National Conference on the FCPA, New York City
- ▶ Inter-Pacific Bar Association, 2013 Seoul Conference, "The Effect of Anti-Corruption Legislation, Criminal Enforcement and Administrative Sanctions on Expanding East-West Investment," Seoul, South Korea
- ▶ American Bar Association Section of International Law's 2013 Spring Meeting, "Debarment Proceedings in the U.S. and a Comparative Analysis with the World Bank, Canadian and EU Debarment Regimes," Washington, D.C.
- ▶ International Anti-Corruption Academy, 2013 Second Expert Group Meeting on Transparency, Competition and Objectivity in Public Procurement, Vienna, Austria
- ▶ 11th Annual International Bar Association Anti-Corruption Conference, "Latest trends in investigations and prosecutions: Q&A with law enforcement officials," Paris, France
- ▶ The Global Anti-Corruption Congress, "International Development Bank Sanctions for Corrupt Practices – An Inside View on the Suspension and Debarment Process and What Companies Can Do to Minimize Exposure to Corrupt and Fraudulent Behavior in Bank-Financed Projects," Washington, D.C.

Left to right: **Andrea Osorio**, Consultant, Case Officer Office, Inter-American Development Bank and **Daniel Gordon**, Associate Dean for Government Procurement Law Studies, The George Washington University Law School



# PUBLICATIONS

OSD staff members have contributed to academic and professional publications both inside and outside of the World Bank. These articles are the products of their individual authors and do not represent the views of OSD or the World Bank. Some examples are:

- ▶ Pascale Hélène Dubois & Aileen Elizabeth Nowlan, Global Administrative Law and the Legitimacy of Sanctions Regimes in International Law, in ANTI-CORRUPTION POLICY: CAN INTERNATIONAL ACTORS PLAY A CONSTRUCTIVE ROLE? 201 (Susan Rose-Ackerman & Paul Carrington, eds.) (2013).
- ▶ Pascale Hélène Dubois et. al., Sanctions at the World Bank and the Inter-American Development Bank: Addressing Corruption and Fraud in Development Assistance, in TEMAS DE ANTICORRUPÇÃO & COMPLIANCE 45 (Alessandra Del Debbio et. al., eds.) (2013).
- ▶ Pascale Hélène Dubois, The Litigator's Role in the World Bank's Fight Against Fraud and Corruption, 39 American Bar Association Journal of the Section of Litigation 38 (2013).
- ▶ Pascale Hélène Dubois, Domestic and International Administrative Tools to Combat Fraud & Corruption: A Comparison of US Suspension and Debarment with the World Bank's Sanctions System, 2012 University of Chicago Legal Forum 195 (2012).
- ▶ Pascale Hélène Dubois & Aileen Elizabeth Nowlan, Global Administrative Law and the Legitimacy of Sanctions Regimes in International Law, 36 Yale Journal of International Law Online 15 (2010).
- ▶ Pascale Hélène Dubois & Paul Ezzeddin, Overview of the World Bank's Sanctions System, United States Air Force Fraud Facts (2010).
- ▶ Pascale Hélène Dubois & Heather Worley, Speak Now Or... Combating International Corruption in World Bank Projects, Ethisphere.com (2008).
- ▶ Pascale Hélène Dubois, A New Two-Tier Sanctions Regime at the World Bank, 4 American Bar Association Section of International Law Newsletter 4 (2007).
- ▶ Pascale Hélène Dubois & Jason Matechak, World Bank Battles Corruption Through New Voluntary Disclosure Program, 3 International Government Contractor 1 (2006).

# BUDGET AND STAFFING

## Management Structure

- ▶ The Chief Suspension and Debarment Officer (SDO) is appointed by the President of the World Bank Group and reports directly to his office.
- ▶ For budget and administrative purposes, the SDO reports to World Bank Managing Director and Chief Operating Officer Sri Mulyani Indrawati.

## OSD Budget

	FY08	FY09	FY10	FY11	FY12	FY13
(\$ in millions)	.893	1.279	1.251	1.570	1.439	1.589

## OSD Staffing\*

	FY08	FY09	FY10	FY11	FY12	FY13
Open-ended and term staff grades GE+	1	2	2	3	3	3

\* Staffing figures do not include consultants (ETCs/STCs) or temporaries (ETTs/STTs), including law school interns, who are typically engaged on a short-term or part-time basis.

# CORE STAFF

## PASCALE HÉLÈNE DUBOIS

### Chief Suspension and Debarment Officer

As the head of the World Bank's Office of Suspension and Debarment (OSD), Ms. Dubois determines whether to suspend and debar firms and individuals accused of fraud and corruption in World Bank-financed projects. Ms. Dubois has been involved with the World Bank's anti-corruption efforts for close to a decade. Prior to her appointment as Chief Suspension and Debarment Officer, Ms. Dubois managed the Voluntary Disclosure Program (VDP) in the World Bank's Integrity Vice Presidency (INT). She also worked as an operational lawyer advising the Africa region of the World Bank for seven years. Before joining the World Bank, she was in private practice for ten years in the United States and Belgium. Ms. Dubois served as Co-Chair of the American Bar Association Section of International Law's Anti-Corruption Committee for three years and is now the Regional Officer for North America on the International Bar Association's Anti-Corruption Committee. She is a Certified Fraud Examiner (CFE). For the past six years, she has been an Adjunct Professor at Georgetown University Law Center, where she teaches a course on international anti-corruption. She teaches and lectures widely, and publishes regularly in law journals. Ms. Dubois received her Lic. Jur., *cum laude*, from the University of Ghent, Belgium, and her LL.M. from New York University.

## PAUL EZZEDDIN

### Senior Policy Officer

Mr. Ezzeddin assists the Chief Suspension and Debarment Officer in reviewing sanctions cases and determining whether to suspend the contracting eligibility of respondent firms and individuals. Mr. Ezzeddin also plays an active role in the World Bank's working group on sanctions policy. Prior to joining OSD in October 2007, Mr. Ezzeddin worked for the law firm of Simpson Thacher & Bartlett LLP in New York, where his practice focused on mergers and acquisitions and private investment funds. A native of British Columbia, Canada, Mr. Ezzeddin graduated from Queen's University (Ontario) with First Class Honors and received his J.D. from Stanford Law School. He also earned an M.A. in International Relations with Honors from The Johns Hopkins University's Paul H. Nitze School of Advanced International Studies (SAIS).

## JAMIESON SMITH

### Senior Counsel

Mr. Smith also assists the Chief Suspension and Debarment Officer in reviewing sanctions cases and determining whether to suspend the contracting eligibility of respondent firms and individuals. Before coming to OSD in March 2010, he was an attorney at Cadwalader, Wickersham & Taft, where he represented corporations and individuals in a wide variety of white collar criminal and regulatory matters, including alleged violations of the U.S. Foreign Corrupt Practices Act. He has conducted internal investigations in China, Egypt, Indonesia, Brazil, Croatia, Italy and the Czech Republic, and also advised clients with regard to compliance and corporate governance issues. A native of the United States, Mr. Smith received his A.B., *cum laude*, from Duke University and his J.D., *magna cum laude*, from Duke University's School of Law, where he was a member of Law & Contemporary Problems. He also earned his M.A. in American Legal History from the University of Virginia.



Left to right: Jamieson Smith, Senior Counsel, and Paul Ezzeddin, Senior Policy Officer, World Bank Office of Suspension and Debarment

# ANNEX A

## DETAILED BREAKDOWN OF DURATION OF CASES

This detailed chart shows all sanctions cases (excluding settlements) that have been submitted to OSD since its inception. The chart measures the time taken up in the investigative phase and in each phase of the sanctions process through final resolution. It should be noted that some cases, particularly those submitted in FY12 and FY13, are still active, and therefore the timelines for these cases are not complete, potentially skewing the overall picture to a small degree.

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
1.	72	06/29/04	06/05/07	1071	07/05/07	30	03/12/09	616	03/27/09	15	01/03/11	647	
2.	67	01/21/04	06/29/07	1255	08/13/07	45	10/15/07	63	11/13/07	29	11/16/07	3	12/04/07
3.	74	02/17/05	10/31/07	986	12/10/07	40	02/03/10	786	05/18/10	104	12/28/11	589	12/30/11
4.	73	04/28/03	11/16/07	1663	01/03/08	48	02/08/08	36	02/29/08	21	03/20/08	20	05/01/08
5.	68	07/20/04	05/16/08	1396	06/18/08	33	06/27/08	9	06/27/08	0	06/27/08	0	06/30/08
6.	75	05/09/06	07/14/08	797	08/19/08	36	08/26/08	7	08/26/08	0			08/28/08
7.	76	05/12/06	12/09/08	942	12/18/08	9	01/12/09	25	01/13/09	1	01/22/09	9	01/23/09
8.	77	07/15/05	12/31/08	1265	01/14/09	14	01/10/10	361					02/26/10
9.	78	07/29/06	03/12/09	957	03/18/09	6	03/19/09	1					03/31/09
10.	80	07/29/06	03/24/09	969	04/03/09	10							04/09/09
11.	82	07/25/06	03/25/09	974	04/03/09	9							04/09/09
12.	81	11/14/08	03/26/09	132	04/10/09	15	04/17/09	7					04/21/09
13.	79	07/29/06	03/30/09	975	04/14/09	15	04/16/09	2					04/20/09
14.	83	07/29/06	03/31/09	976	04/15/09	15	04/17/09	2					04/22/09
15.	84	07/25/06	04/10/09	990	05/11/09	31	09/30/09	142	10/29/09	29	11/10/09	12	11/16/09
16.	85	07/25/06	04/29/09	1009	05/11/09	12	06/26/09	46					06/30/09
17.	88	10/22/04	05/14/09	1665	05/29/09	15	06/12/09	14	07/02/09	20	07/20/09	18	08/04/09
18.	90	07/25/06	06/05/09	1046	06/19/09	14	06/26/09	7					06/30/09
19.	93	07/31/06	06/12/09	1047	06/26/09	14	07/06/09	10					07/10/09
20.	94	07/25/06	06/17/09	1058	06/26/09	9	07/06/09	10					07/10/09
21.	95	03/31/08	06/17/09	443	07/02/09	15	07/08/09	6	07/31/09	23	10/26/09	87	10/28/09
22.	91	04/28/05	06/22/09	1516	07/07/09	15	06/30/11	723	12/06/11	159	05/14/12	160	06/29/12
23.	86	07/25/06	06/24/09	1065	07/10/09	16	07/16/09	6					07/21/09
24.	96	07/29/06	06/24/09	1061	07/16/09	22	07/23/09	7	07/28/09	5	07/31/09	3	08/04/09



While this data gives a useful overview of the activity in the sanctions system and the typical life cycle of sanctions cases, it must be noted that many factors can have an impact on the timeline of a particular case, such as the complexity of the matters involved, stays for unsuccessful settlement negotiations during investigations, the need to obtain legal and procurement policy advice on case-specific matters, extensions to submission deadlines and additional submissions requested by the parties.

	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
SAE Withdrawn by INT on 01/03/11												2379	1308
	18		02/13/08		71	03/14/08	30	06/03/08	81			1595	340
	2	01/02/12		04/03/12	95							2602	1616
	42		08/01/08	07/15/09	92	08/29/08	28	01/12/09	136			2086	423
	3		09/05/08	04/29/09	67	02/27/09	175	04/24/09	56			1739	343
	2		12/05/08		99	01/23/09	49	04/24/09	91			1081	284
	1			05/13/09	110							1097	155
	47		05/27/10	07/13/10	90	07/14/10	48	11/29/10	138			1963	698
	12		05/10/09		40	06/24/09	45	10/20/09	118			1179	222
	6			07/21/09	103							1088	119
	6			07/21/09	103							1092	118
	4		07/02/09		72	Notice Withdrawn (Settled on 07/02/09)						230	98
	4			08/04/09	106							1102	127
	5			08/04/09	104							1102	126
	6			02/25/10	101							1311	321
	4			11/17/09	140							1211	202
	15			07/08/10	338							2085	420
	4		09/17/09	11/12/09	79	10/22/09	35	04/01/10	161			1346	300
	4		09/08/09		60	12/30/09	113	04/01/10	92			1340	293
	4			10/27/09	109							1190	132
	2		12/18/09		51	01/25/10	38	04/01/10	66			731	288
	46	07/03/12	10/01/12		94	11/09/12	39	Pending*	233			2985	1469
	5			11/03/09	105							1197	132
	4		09/03/09		30	12/30/09	118	04/01/10	92			1342	281

## DETAILED BREAKDOWN OF DURATION OF CASES *continued*

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
25.	98	07/25/06	06/24/09	1065	07/10/09	16	07/16/09	6	07/17/09	1	07/17/09	0	07/21/09
26.	92	12/01/05	06/25/09	1302	08/21/09	57	09/16/09	26	10/22/09	36	10/26/09	4	11/02/09
27.	97	07/31/06	06/25/09	1060	07/24/09	29	07/29/09	5					08/04/09
28.	100	07/26/06	06/26/09	1066	07/31/09	35	08/05/09	5					08/10/09
29.	102	05/25/04	06/26/09	1858	07/20/09	24	07/23/09	3	07/23/09	0	07/23/09	0	07/24/09
30.	104	12/12/05	06/29/09	1295	08/10/09	42	10/16/09	67	10/22/09	6	10/26/09	4	11/02/09
31.	87	07/25/06	06/30/09	1071	07/30/09	30	08/04/09	5					08/10/09
32.	89	07/25/06	06/30/09	1071	08/07/09	38	08/12/09	5	08/14/09	2	08/17/09	3	08/18/09
33.	99	11/11/08	06/30/09	231	09/18/09	80	10/05/09	17					10/15/09
34.	101	04/18/05	06/30/09	1534	11/24/09	147	04/12/11	504					08/24/11
35.	103	07/25/06	06/30/09	1071	08/21/09	52	08/27/09	6					08/31/09
36.	105	12/01/08	06/30/09	211	09/11/09	73	09/22/09	11					09/25/09
37.	106	02/02/09	06/30/09	148	09/04/09	66	09/16/09	12	09/22/09	6	09/22/09	0	09/25/09
38.	107	11/21/08	06/30/09	221	09/24/09	86	10/05/09	11	10/08/09	3	10/15/09	7	10/19/09
39.	108	11/24/08	06/30/09	218	10/02/09	94	10/08/09	6					10/15/09
40.	109	07/29/06	06/30/09	1067	08/28/09	59	09/03/09	6	09/04/09	1	09/08/09	4	09/17/09
41.	110	04/08/05	06/30/09	1544	11/10/09	133	11/20/09	10					02/26/10
42.	111	07/25/06	06/30/09	1071	08/28/09	59	09/03/09	6	09/04/09	1	09/08/09	4	09/17/09
43.	112	01/08/04	06/30/09	2000	12/16/09	169	04/06/11	476	05/18/11	42	07/26/11	69	08/04/11
44.	113	09/27/04	06/30/09	1737	01/22/10	206	06/30/11	524	10/22/11	114	05/14/12	205	06/29/12
45.	114	11/14/08	07/31/09	259	08/14/09	14	08/20/09	6	08/25/09	5	08/26/09	1	08/26/09
46.	115	04/16/08	09/30/09	532	10/15/09	15	10/21/09	6	10/23/09	2			11/09/09
47.	117	07/24/06	11/12/09	1207	02/04/10	84	03/16/10	40	02/09/11	330	05/25/11	105	06/15/11
48.	118	03/10/09	11/24/09	259	12/22/09	28	01/26/11	400					02/04/11
49.	119	03/30/04	12/17/09	2088	02/26/10	71	06/30/11	489					09/01/11
50.	TS1	10/26/09	12/17/09	52	01/26/10	40	03/11/10	44			05/25/10	75	
51.	TS2	10/26/09	12/30/09	65	01/26/10	27	03/11/10	44			05/25/10	75	
52.	116	10/12/08	12/30/09	444	04/14/10	105	05/15/12	762	12/21/12	220			

	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
	4	04/29/11		07/29/11	738							1830	765
	7			02/16/10	106							1538	236
	6			11/12/09	100							1200	140
	5	05/21/11		08/22/11	742							1853	787
	1		10/21/09		89	01/15/10	86	09/20/10	248			2309	451
	7		12/28/09		56	02/02/10	36	04/01/10	58			1571	276
	6			11/17/09	99							1211	140
	1			12/01/09	105							1225	154
	10			01/21/10	98							436	205
	134	09/06/11		12/06/11	104							2423	889
	4	04/29/11		07/29/11	697							1830	759
	3		01/21/10		118	03/05/10	43	09/20/10	199			658	447
	3			01/11/10	108							343	195
	4		01/08/10		81	02/18/10	41	09/20/10	214			668	447
	7			01/21/10	98							423	205
	9			12/22/09	96							1242	175
	98		05/27/10		90	07/14/10	48	11/29/10	138			2061	517
	9	06/01/11		08/31/11	713							1863	792
	9	08/08/11	11/17/11		105	03/15/12	119	09/04/12	173			3162	1162
	46	07/02/12		11/19/12	143	Settlement on 11/19/12						2975	1238
	0			11/25/09	91							376	117
	17		02/25/10		108	04/07/10	41	09/20/10	166			887	355
	21	06/20/11	09/16/11	09/20/11	93	11/02/11	47	05/30/12	210			2137	930
	9	02/09/11	05/05/11	05/11/11	90	06/09/11	35	05/30/12	356			1177	918
	63	09/06/11	05/10/12		252	07/05/12	56	Pending*	360			3379	1291
RTS Withdrawn by INT on 5/25/10												211	159
RTS Withdrawn by INT on 5/25/10												211	146
Case Closed by OSD on 12/21/12 for Insufficiency of Evidence												1531	1087

## DETAILED BREAKDOWN OF DURATION OF CASES *continued*

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
53.	120	08/14/06	12/30/09	1234	03/10/10	70	03/17/10	7					04/22/10
54.	124	03/30/04	02/22/10	2155	02/09/11	352	12/27/11	321	03/30/12	94	05/21/12	52	06/01/12
55.	122	12/14/05	02/24/10	1533	05/21/10	86	03/11/11	294	04/20/11	40	10/18/11	181	10/25/11
56.	121	11/06/08	03/01/10	480	05/28/10	88	12/03/10	189	12/13/10	10	01/11/11	29	02/04/11
57.	123	07/30/08	03/02/10	580	04/30/10	59	06/27/11	423	08/19/11	53			
58.	125	05/25/09	03/04/10	283	07/08/10	126	09/03/10	57					09/08/10
59.	128	05/12/08	03/25/10	682	04/30/10	36	06/29/11	425	08/19/11	51			
60.	127	04/29/08	03/26/10	696	07/29/10	125	01/06/11	161	01/26/11	20	03/18/11	51	03/24/11
61.	136	12/31/07	03/30/10	820	05/27/10	58	04/13/11	321					04/21/11
62.	137	04/29/08	03/31/10	701	07/29/10	120	01/06/11	161	01/26/11	20	03/18/11	51	03/24/11
63.	131	07/22/08	03/31/10	617	06/08/10	69	06/29/11	386					07/06/11
64.	135	04/07/09	03/31/10	358	06/10/10	71	03/17/11	280					03/23/11
65.	138	06/27/07	03/31/10	1008	08/02/10	124	06/17/11	319					
66.	130	09/22/08	03/31/10	555	06/25/10	86	03/24/11	272					04/11/11
67.	134	09/29/08	03/31/10	548	07/09/10	100	03/02/11	236	03/18/11	16	06/10/11	84	06/14/11
68.	139	03/30/10	04/02/10	3	04/13/10	11	04/14/10	1					04/16/10
69.	143	10/26/09	05/21/10	207	06/23/10	33	02/28/11	250	03/17/11	17			
70.	129	11/16/09	05/25/10	190	8/6/10	73	05/17/11	284					05/26/11
71.	142	10/26/09	05/25/10	211	06/08/10	14	02/28/11	265					03/09/11
72.	132	10/16/09	05/26/10	222	08/31/10	97	12/29/10	120	01/11/11	13	01/21/11	10	02/04/11
73.	133	02/17/05	05/28/10	1926	08/31/10	95	12/03/10	94					12/16/10
74.	140	11/13/09	05/28/10	196	08/31/10	95							
75.	144	11/13/09	06/04/10	203	09/01/10	89	03/09/11	189					03/15/11
76.	141	01/29/09	06/28/10	515	09/17/10	81	02/28/11	164					03/09/11
77.	126	03/30/04	06/29/10	2282	02/09/11	225	04/10/13	791	Pending*	81			
78.	145	10/07/08	06/29/10	630	09/30/10	93	03/10/11	161					03/22/11
79.	146	10/07/08	06/29/10	630	09/30/10	93	03/10/11	161					03/23/11
80.	148	08/09/06	06/29/10	1420	10/18/10	111	05/30/11	224					

	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
	36		07/25/10	08/03/11	94	08/26/10	32	11/29/10	95			1568	334
	11	06/06/12	09/18/12		109	10/18/12	30	Pending*	255			3379	1224
	7	08/27/12	11/26/12	02/28/12	398	12/26/12	30	Pending*	186			2755	1222
	24	02/07/11	05/17/11		102	07/01/11	45	05/30/12	334			1301	821
Case Closed by OSD on 8/19/11 for Insufficiency of Evidence												1115	535
	5		02/09/11	03/03/11	154	03/11/11	30	09/26/11	199			854	571
Case Closed by OSD on 8/19/11 for Insufficiency of Evidence												1194	512
	6	03/25/11		06/24/11	92							1151	455
	8	04/25/11		07/26/11	96							1303	483
	6	03/25/11		06/24/11	92							1151	450
	7	12/22/11		03/22/12	260							1339	722
	6	03/29/11		06/28/11	97							812	454
SAE Withdrawn by INT on 6/17/11												1451	443
	18	04/13/11	06/16/11		66	07/18/11	32	05/30/12	317			1346	791
	4		07/28/11		44	08/26/11	29	05/30/12	278			1339	791
	2			04/29/10	13							30	27
Case Closed by OSD on 3/17/11 for Insufficiency of Evidence												507	300
	9	05/30/11		08/30/11	96							652	462
	9	03/11/11		06/10/11	93							592	381
	14	08/26/11		11/29/11	298							774	552
	13	12/22/10	03/08/11		82	04/06/11	29	09/26/11	173			2412	486
Case Closed by OSD on 8/31/10 for Insufficiency of Evidence												291	95
	6	03/17/11		06/16/11	93							580	377
	9	08/17/11		11/16/11	252							1021	506
												3379	1097
	12	04/07/11	08/03/11		134	09/01/11	29	05/30/12	272			1331	701
	13	03/26/11	06/22/11		91	09/01/11	71	05/30/12	272			1331	701
SAE Withdrawn by INT on 5/30/11												1755	335

## DETAILED BREAKDOWN OF DURATION OF CASES *continued*

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
81.	150	11/10/08	06/29/10	596	01/31/11	216	06/16/11	136					07/14/11
82.	155	01/10/09	06/29/10	535	11/30/10	154	03/28/11	118	04/29/11	32			
83.	153	07/03/08	06/30/10	727	10/29/10	121	04/13/11	166					04/21/11
84.	154	06/23/06	06/30/10	1468	09/21/10	83	12/03/10	73					12/16/10
85.	149	08/08/06	06/30/10	1422	10/18/10	110	05/30/11	224					
86.	151	02/05/08	06/30/10	876	10/28/10	120	03/28/11	151					03/31/11
87.	156	09/06/06	08/05/10	1429	10/18/10	74	05/30/11	224					
88.	157	01/06/09	09/27/10	629	11/24/10	58	12/03/10	9					12/16/10
89.	163	12/15/09	09/28/10	287	01/31/11	125	02/14/11	14					02/23/11
90.	158	12/17/09	09/29/10	286	12/28/10	90	03/11/11	73					03/17/11
91.	159	07/21/09	09/30/10	436	11/03/10	34	03/25/11	142					03/31/11
92.	162	09/02/08	09/30/10	758	11/30/10	61	02/23/11	85					03/01/11
93.	160	12/17/09	10/04/10	291	12/28/10	85							
94.	164	12/17/09	10/13/10	300	12/28/10	76							
95.	165	12/19/09	10/22/10	307	11/30/10	39	03/24/11	114					03/31/11
96.	167	05/03/10	01/25/11	267	02/18/11	24	03/29/11	39					04/07/11
97.	169	03/08/10	03/11/11	368	03/31/11	20	04/12/11	12					04/27/11
98.	168	03/31/09	03/21/11	720	04/21/11	31	05/09/11	18					05/16/11
99.	171	03/09/09	03/22/11	743	04/27/11	36	08/02/11	97					08/05/11
100.	166	04/07/09	03/24/11	716	04/20/11	27	05/16/11	26					05/19/11
101.	161	01/28/10	03/28/11	424	05/31/11	64	07/15/11	45					07/27/11
102.	172	08/03/10	03/30/11	239	05/31/11	62	07/15/11	45					07/20/11
103.	174	10/22/09	03/31/11	525	05/25/11	55	06/21/11	27					06/30/11
104.	175	08/10/10	03/31/11	233	06/30/11	91	07/15/11	15					07/20/11
105.	176	08/05/10	05/06/11	274	07/28/11	83	10/20/11	84					10/26/11
106.	177	12/31/07	05/19/11	1235									06/07/11
107.	178	04/29/09	06/10/11	772	06/30/11	20	09/30/11	92					10/06/11
108.	173	02/16/10	06/14/11	483	09/28/11	106	10/04/11	6	10/04/11	0	10/17/11	13	10/17/11

	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
	28	07/19/11		10/18/11	96							1072	476
Case Closed by OSD on 4/29/11 for Insufficiency of Evidence												839	304
	8	04/26/11		07/26/11	96							1118	391
	13	12/17/10	03/01/11		75	Notice Withdrawn by INT on 03/01/11						1712	244
SAE Withdrawn by INT on 5/30/11												1756	334
	3	04/04/11	06/27/11		88	07/26/11	29	05/30/12	309			1576	700
SAE Withdrawn by INT on 5/30/11												1727	298
	13	12/20/10	04/19/11	11/28/11	347	Settlement on 11/28/11						1056	427
	9	03/01/11		06/01/11	98							533	246
	6	10/01/11		01/04/12	293							748	462
	6	04/05/11	09/06/11		159	10/12/11	36	03/07/13	512			1325	889
	6	03/04/11		06/03/11	94							1004	246
Case Closed by OSD on 12/28/10 for Insufficiency of Evidence												376	85
Case Closed by OSD on 12/28/10 for Insufficiency of Evidence												376	76
	7	08/20/11		11/21/11	235							702	395
	9	04/13/11		07/13/11	97							436	169
	15	07/16/11		10/17/11	173							588	220
	7	05/18/11		08/17/11	93							869	149
	3	08/22/11		11/22/11	109							988	245
	3	05/23/11		08/23/11	96							868	152
	12	07/29/11		10/18/11	83	Settlement on 10/18/11						628	204
	5	11/10/11		02/09/12	204							555	316
	9	07/04/11	10/28/11		120	11/15/11	18	10/16/12	336			1090	565
	5	07/25/11		10/25/11	97							441	208
	6	10/31/11		01/31/12	97							544	270
	19	06/08/11	09/07/11		92	10/27/11	50	06/10/13	592			1988	753
	6	03/17/12		06/18/12	256							1146	374
	0	10/21/11	01/19/12		94	07/02/12	165	Pending*	363			1230	747

## DETAILED BREAKDOWN OF DURATION OF CASES *continued*

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
109.	179	01/20/11	06/17/11	148	07/28/11	41							08/04/11
110.	152	10/26/09	06/28/11	610	12/20/11	175	05/09/12	141					05/11/12
111.	181	08/04/10	06/30/11	330	08/23/11	54							08/31/11
112.	182	04/29/09	06/30/11	792	07/28/11	28							08/05/11
113.	180	06/22/08	06/30/11	1103	09/16/11	78	Pending*	653					
114.	147	08/28/09	07/20/11	691	12/18/12	517							
115.	TS3	04/15/11	08/30/11	137	09/30/11	31	10/03/11	3					10/05/11
116.	183	08/04/10	10/05/11	427	10/28/11	23							11/02/11
117.	187	06/08/11	10/13/11	127	12/01/11	49							12/07/11
118.	186	08/04/10	11/18/11	471	12/12/11	24							12/15/11
119.	170	04/15/11	12/30/11	259	03/28/12	89	04/25/12	28	05/02/12		05/02/12		05/08/12
120.	188	01/13/09	01/13/12	1095	02/09/12	27							
121.	TS4	05/20/10	02/02/12	623	03/08/12	35	03/13/12	5	03/20/12	7			03/26/12
122.	190	06/15/10	02/24/12	619	03/28/12	33							04/04/12
123.	195	06/05/09	03/27/12	1026	04/17/12	21							05/04/12
124.	194	06/05/09	03/28/12	1027	04/24/12	27							05/07/12
125.	191	12/08/10	03/29/12	477	05/23/12	55	07/12/12	50					07/16/12
126.	TS5	09/02/11	03/29/12	209	04/30/12	32							05/10/12
127.	192	07/31/10	03/30/12	608	07/03/12	95	07/27/12	24					07/31/12
128.	193	06/05/09	03/30/12	1029	04/30/12	31	06/11/12	42					06/12/12
129.	197	08/24/11	04/30/12	250	05/16/12	16	05/24/12	8					05/25/12
130.	199	12/15/10	05/31/12	533	06/29/12	29	06/29/12	0					07/06/12
131.	198	07/22/08	05/31/12	1409	08/07/12	68	08/23/12	16					08/27/12
132.	196	12/09/10	05/31/12	539	07/20/12	50							07/31/12
133.	203	08/04/11	06/15/12	316	03/27/13	285	Pending*	95					
134.	202	10/01/09	06/18/12	991	08/31/12	74	Pending*	303					
135.	204	01/19/12	06/25/12	158	08/07/12	43	08/09/12	2					08/15/12



	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
	7	08/09/11		11/08/11	96							292	144
	2	05/15/12		08/14/12	91							1019	409
	8	09/05/11		12/06/11	97							489	159
	8	03/17/12		06/18/12	318							1146	354
												1834	731
Case Closed by OSD on 12/18/12 for Insufficiency of Evidence												1208	517
	2	10/07/11								12/30/11	86	259	122
	5	11/07/11		02/07/12	97							552	125
	6	12/12/11	08/31/12		268	10/05/12	35	06/24/13	262			747	620
	3	12/20/11		03/20/12	96							594	123
	6	05/11/12	09/17/12		132	10/18/12	31	Pending*	255			800	541
Settlement on 2/9/12												1122	27
	6	03/27/12								03/26/13	365	1041	418
	7	07/12/12		10/11/12	190							849	230
	17	05/08/12		08/07/12	95							1159	133
	13	11/05/12	04/03/13		331	04/29/13	26	Pending*	62			1486	459
	4	07/20/12		10/19/12	95							681	204
	10	05/14/12				RTS Withdrawn by INT on 8/9/12				08/09/12	91	342	133
	28	08/16/12		11/15/12	107							862	254
	1	06/18/12	10/03/12		113	11/21/12	49	Pending*	221			1486	457
	1	05/30/12	08/10/12		77	09/12/12	33	Pending*	291			676	426
	7	08/13/12		11/13/12	130							699	166
	4	10/27/12		01/29/13	155							1652	243
	11	08/08/12		11/07/12	99							699	160
												696	380
												1368	377
	6	08/21/12	11/20/12		97	01/10/13	51	Pending*	171			528	370

## DETAILED BREAKDOWN OF DURATION OF CASES *continued*

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
136.	206	10/06/11	06/29/12	267	09/13/12	76							09/20/12
137.	207	11/30/11	06/29/12	212	10/04/12	97							10/11/12
138.	201	09/28/11	06/29/12	275	09/06/12	69	06/28/13	295	Pending*	2			
139.	208	04/06/09	07/25/12	1206	10/17/12	84	11/30/12	44					12/11/12
140.	205	08/31/10	07/25/12	694	10/25/12	92							11/05/12
141.	209	09/01/10	07/27/12	695	08/17/12	21							08/21/12
142.	211	07/23/11	08/22/12	396	12/13/12	113	02/11/13	60					02/15/13
143.	TS6	05/16/11	08/28/12	470	09/19/12	22							
144.	189	10/03/11	08/31/12	333	11/08/12	69							11/20/12
145.	213	12/14/10	08/31/12	626	12/21/12	112							01/07/13
146.	216	05/16/11	09/19/12	492	09/21/12	2							09/26/12
147.	214	12/14/10	09/28/12	654	03/27/13	180	Pending*	95					
148.	210	08/09/10	09/28/12	781	11/19/12	52							11/30/12
149.	184	07/29/10	11/05/12	830	03/26/13	141	Pending*	96					
150.	212	08/12/11	11/05/12	451	12/12/12	37	02/07/13	57					2/19/13
151.	247	08/09/10	11/27/12	841	02/19/13	84							
152.	254	08/31/10	11/30/12	822	03/27/13	117	Pending*	95					
153.	TS7	11/22/10	12/21/12	760	01/16/13	26	01/25/13	9					1/29/13
154.	256	08/09/10	12/27/12	871	02/05/13	40	03/05/13	28					3/11/13
155.	244	04/07/11	01/25/13	659	05/03/13	98	06/24/13	52	06/28/13	4	Pending*	2	
156.	255	05/18/10	01/25/13	983	03/27/13	61	Pending*	95					
157.	200	07/29/10	02/20/13	937	Pending*	130							
158.	257	01/23/12	02/26/13	400	03/01/13	3							3/7/13
159.	249	05/16/11	03/08/13	662	Pending*	114							
160.	258	01/30/12	03/26/13	421	04/17/13	22							
161.	215	03/29/12	03/28/13	364	05/06/13	39	Pending*	55					

	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
	7	09/25/12	12/20/12		91	01/22/13	33	Pending*	159			633	366
	7	10/15/12		01/15/13	96							412	200
												641	366
	11	12/17/12	03/08/13		87	04/03/13	26	Pending*	88			1546	340
	11	11/09/12		02/08/13	95							892	198
	4	09/04/12		12/04/12	105							825	130
	4	02/22/13	05/15/13		89	06/24/13	40	Pending*	6			708	312
		RTS Stayed at INT's Request on 9/19/12; Superseded by SAE and Deemed Withdrawn by INT on 3/8/13										492	22
	12	Pending*			222							636	303
	17	02/08/13		05/10/13	123							878	252
	5	10/01/12	06/19/13		266	Pending*	11					776	284
												929	275
	11	12/05/12		03/07/13	97							941	160
												1067	237
	12	Pending*			131							688	237
		Case Closed by OSD on 2/19/13 for Insufficiency of Evidence										925	84
												1034	212
	4	01/30/13								06/30/13	152	799	39
	6	03/19/13		06/18/13	99							1044	173
												815	156
												1139	156
												1067	130
	6	03/12/13		06/11/13	91							500	100
												776	114
		Settlement on 4/17/13										443	22
												458	94

## DETAILED BREAKDOWN OF DURATION OF CASES *continued*

	Case No.	Date of Earliest Investigative Activity Reflected in Case Exhibits	Date of Submission of INT's SAE/RTS to OSD	Period with INT for Investigative Activity and Case Preparation (Days)	Date OSD Determination Sent to INT	Period with OSD for Initial Determination (Days)	(If Appl.) Date INT's Revisions Sent to OSD	(If Appl.) Period with INT for Revision (Days)	(If Appl.) Date OSD Provided Supplemental Determination (2nd Review)	(If Appl.) Period with OSD for Supplemental Determination (Days)	(If Appl.) Date INT's 2nd Revision Sent to OSD	(If Appl.) Period with INT for 2nd Revision (Days)	Date Notice Issued to Respondent (and Suspension Imposed after Sept.15, 2010)
162.	267	05/31/12	04/02/13	306	04/03/13	1							4/4/13
163.	185	04/29/11	04/18/13	720	05/29/13	41	Pending*	32					
164.	269	11/30/10	04/29/13	881	05/30/13	31	Pending*	31					
165.	268	03/13/12	05/20/13	433	06/19/13	30	06/19/13	0					6/27/13
166.	259	02/15/09	05/20/13	1555	Pending*	41							
167.	273	07/24/11	05/29/13	675	06/18/13	20	06/19/13	1					6/27/13
168.	261	10/28/11	05/30/13	580	06/18/13	19							6/21/13
169.	248	12/13/10	05/31/13	900	06/18/13	18	06/18/13	0					6/21/13
170.	264	11/10/10	06/24/13	957	Pending*	6							
171.	274	12/09/10	06/24/13	928	Pending*	6							
172.	266	07/28/10	06/28/13	1066	Pending*	2							
Average Duration (in days)				758		66		131		38		74	

\*Pending as of June 30, 2013.

### Notes:

1. All data as of June 30, 2013. Includes all submitted cases (SAEs and RTSs), and as such averages may be skewed slightly downward because of cases that are pending in each stage (e.g., as of June 30, 2013, Case No. 266 had been with OSD for initial review for 2 days, but the initial review remained pending, such that the final number of days for this stage can be expected to be greater than the 2 currently shown as of June 30, 2013).
2. In cases with multiple Respondents, the date given for (i) delivery of Notice, (ii) receipt of Response, (iii) date of extension and/or (iv) uncontested determination is the latest applicable date (e.g., if the Notice is delivered on three different dates to the three Respondents in a case, the latest date is used).
3. Four cases (Case Nos. 98, 100, 103 and 111) that were initially issued between July and September 2009 were reissued under the new Sanctions Procedures in March 2011 to permit constructive delivery. Since it relates to a delay in delivery, the intervening time has been attributed to the Respondents, as have delivery delays under the new Sanctions Procedures.
4. For uncontested cases for which the Notice was issued to the Respondent on or after September 15, 2010, OSD issued a determination reflecting the imposition of the sanction recommended by the SDO in the Notice. For uncontested cases for which the Notice was issued prior to such date, the Sanctions Board issued a determination imposing the SDO's recommended sanction.

See the sanctions system website ([www.worldbank.org/sanctions](http://www.worldbank.org/sanctions)) for updated information and copies of recent Sanctions Board decisions and SDO determinations.

	Period with OSD for Final Review and Issuance (Days)	Date of Delivery of Notice to Respondents (if Issued after Sept. 15, 2010)	Date Respondent's Response (if any) Received by Sanctions Board	Date of SDO Determination (if any) in Uncontested Cases	Period with Respondent to Contest Case (Days)	Date of INT's Reply	Period with INT for Reply (Days)	Date of Sanctions Board Decision	Period for Additional Submissions, Hearing, and Sanctions Board Review (Days)	(for ETS) Date of Submission of INT's SAE or Termination	(If Appl.) (for ETS) Period with INT for Further Investigation (Days)	Cumulative Duration (Days)	Cumulative Duration from Submission of INT's SAE/RTS to OSD (Days)
	1	04/08/13	Pending*		87							395	89
												793	73
												943	62
	8	Pending*			3							474	41
												1596	41
	8	Pending*			3							707	32
	3	Pending*			9							611	31
	3	Pending*			9							930	30
												963	6
												934	6
												1068	2
	11				137		49		209		174	1131	373

# ANNEX B

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS

This detailed case-by-case breakdown shows the different types of fraudulent practice claims that have appeared in sanctions cases received from INT. First, a distinction is made between fraud cases that involve the forgery of third-party documents and those that involve other types of fraud. Then, within each of these two streams, a further categorization is done to reflect the specific type of forgery or other fraud. For example, within the forgery stream, common instances are bid securities, performance certificates and manufacturer's authorizations. Within the other stream, common instances are misrepresentations of experience, over-invoicing and failure to make required disclosures of conflicts of interest. The totals at the bottom of each column show how often INT has sent each such type of claim to OSD for decision-making.

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
1.	72			■			■				■			
2.	67	■												
3.	74		■						■					
4.	73										■	■		
5.	68				■									
6.	75										■			
7.	76									■				
8.	77											■		
9.	78			■										
10.	80			■										
11.	82			■										
12.	81						■					■		
13.	79			■										
14.	83			■										
15.	84			■				■						
16.	85			■										

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
17.	88	■						■		■				
18.	90			■										
19.	93			■										
20.	94			■				■						
21.	95							■	■	■				
22.	91	■												
23.	86			■										
24.	96			■						■				
25.	98			■				■						
26.	92								■		■			
27.	97			■				■						
28.	100			■				■						
29.	102			■				■						
30.	104									■				
31.	87			■										
32.	89			■										
33.	99			■										
34.	101	■				■				■				
35.	103			■				■						
36.	105			■										
37.	106			■										
38.	107			■										

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
39.	108							■						
40.	109			■				■						
41.	110	■												
42.	111			■										
43.	112					■								
44.	113		■											
45.	114						■					■		
46.	115		■											
47.	117											■		
48.	118			■				■						
49.	119											■		
50.	TS1		■											
51.	TS2		■											
52.	116					■				■				
53.	120										■			
54.	124							■				■		
55.	122											■		
56.	121			■										
57.	123					■				■				
58.	125										■			
59.	128					■								



## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
60.	127							■	■					
61.	136				■									
62.	137							■						
63.	131					■								
64.	135	■												
65.	138				■					■				
66.	130		■											
67.	134	■												
68.	139										■			
69.	143		■											
70.	129	■												
71.	142		■											
72.	132	■												
73.	133									■				
74.	140								■					
75.	144								■					
76.	147									■				
77.	141	■												
78.	126				■			■			■			
79.	145				■					■				
80.	146				■					■				

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
81.	148		■											
82.	150						■							
83.	155						■							
84.	153		■											
85.	154							■						
86.	149		■											
87.	151				■									
88.	156		■											
89.	157				■									
90.	163		■											
91.	158		■											
92.	159			■										
93.	162	■												
94.	160		■											
95.	164		■											
96.	165		■											
97.	167							■						
98.	169	■								■				
99.	168									■				
100.	171			■										
101.	166		■											

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
102.	161					■			■					
103.	172	■								■				
104.	174				■									
105.	175							■		■		■		
106.	176									■		■		
107.	177					■				■				
108.	178					■								
109.	173						■							
110.	179		■											
111.	152						■				■			
112.	181									■				
113.	182					■								
114.	180					■								
115.	TS3											■		
116.	183									■				
117.	187			■										
118.	186									■				
119.	185									■				
120.	170						■					■	■	
121.	188											■		
122.	TS4											■		

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
123.	190	■												
124.	195	■												
125.	194	■												
126.	191										■			
127.	TS5												■	
128.	192									■				
129.	193	■												
130.	197		■											
131.	199										■			
132.	198									■				
133.	196	■												
134.	203	■												
135.	202					■	■			■				
136.	204	■		■										
137.	206											■		
138.	207				■									
139.	201									■				
140.	208											■		
141.	205	■												
142.	209	■												
143.	211						■					■		

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
144.	TS6				■			■				■	■	
145.	189										■			
146.	213	■												
147.	216				■									
148.	214	■					■							
149.	210		■											
150.	184									■				
151.	212			■										
152.	247		■											
153.	254	■					■							
154.	TS7						■					■		
155.	256		■											
156.	244					■						■		
157.	255	■												
158.	200									■				
159.	257	■												
160.	249							■			■	■	■	
161.	258								■			■		
162.	215								■					
163.	267	■												
164.	269			■										

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### SAEs and RTSs

	Case No.	Fraud									Collusion	Corruption	Obstruction	Coercion
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance	Other Fraud				
165.	268			■										
166.	259											■		
167.	273			■										
168.	261			■										
169.	248										■			
170.	264				■								■	
171.	274										■			
172.	266									■		■		
Total Number of Instances		28	23	37	13	13	13	21	9	31				
Total Number of Forgery Cases vs. Other Fraud Cases					100						75			
Total Number of Cases by Type of Sanctionable Practice		151									12	27	4	1
Cases with more than 1 type of misconduct						19								

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### Settlements

		Fraud											
		Forged Third Party Documents				Other Fraud							
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance				
1.	Settlement					■							
2.	Settlement					■							
3.	Settlement					■				■			
4.	Settlement					■							
5.	Settlement					■							
6.	Settlement					■							
7.	Settlement					■							
8.	Settlement					■							
9.	Settlement					■							
10.	Settlement					■							
11.	Settlement									■			
12.	Settlement					■				■			
13.	Settlement								■				
14.	Settlement									■			
15.	Settlement									■			
16.	Settlement									■			
17.	Settlement				■								
18.	Settlement					■				■			
19.	Settlement								■				
20.	Settlement									■			
21.	Settlement									■			
22.	Settlement						■						

## DETAILED TYPOLOGY WITH BREAKDOWN OF FRAUDULENT PRACTICE CLAIMS *continued*

### Settlements

		Fraud								Collusion	Corruption	Obstruction	Coercion	
		Forged Third Party Documents				Other Fraud								
		Forged Bank Guarantees or Securities	Forged Manufacturer's Authorizations	Forged Performance or Experience Documentation	Other Forgery	Fraudulent Invoices or Payment Certifications	Misrepresentation or Omission Regarding Conflict or Agent	Misrepresentation Regarding Past Performance or Experience	Misrepresentation Regarding Future Performance					Other Fraud
23.	Settlement						■							
24.	Settlement						■							
25.	Settlement										■			
26.	Settlement					■								
27.	Settlement						■				■			
28.	Settlement							■						
29.	Settlement		■											
30.	Settlement			■										
31.	Settlement						■							
32.	Settlement				■									
33.	Settlement						■		■		■			
34.	Settlement			■					■					
35.	Settlement					■			■					
Total Number of Instances		0	1	2	2	14	6	1	5	3				
Total Number of Forgery Cases vs. Other Fraud Cases		5				24								
Total Number of Cases by Type of Sanctionable Practice		28									6	3	0	0
Cases with more than 1 type of misconduct						2								



## ENDNOTES

1. The term “World Bank” refers to the International Bank for Reconstruction and Development (IBRD), which provides financing, risk management products and other financial services to its member countries, and the International Development Association (IDA), which provides interest-free loans and grants to the poorest countries. The term “World Bank Group” incorporates the World Bank (IBRD and IDA) and three other agencies: the International Finance Corporation (IFC), which makes equity investments and provides loans, guarantees and advisory services to private-sector business in developing countries; the Multilateral Investment Guarantee Agency (MIGA), the World Bank Group’s political risk insurance agency; and the International Centre for Settlement of Investment Disputes (ICSID), which provides facilities for conciliation and arbitration of international investment disputes. These organizations work together and complement each other’s activities to achieve their shared goal of reducing poverty and improving lives. This report describes the work of the World Bank (IBRD/IDA) Chief Suspension and Debarment Officer (previously known as the “Evaluation and Suspension Officer” or “Evaluation Officer”). IFC and MIGA, along with the World Bank’s guarantee operations, each have their own Evaluation and Suspension Officer.
2. The World Bank, *In Fight to Improve Lives of the World’s Poor, World Bank Group Delivers Nearly \$53 Billion in Support to Developing Countries in FY13*, World Bank Press Release 2014/024/ECR (July 23, 2013), available at <http://www.worldbank.org/en/news/press-release/2013/07/23/improve-lives-world-poor-world-bank-group-delivers-nearly-53-billion-support-developing-countries-fy13>.
3. *Id.*
4. The World Bank, *Ending Extreme Poverty and Promoting Shared Prosperity* (Apr. 19, 2013), available at [http://www.worldbank.org/en/news/feature/2013/04/17/ending\\_extreme\\_poverty\\_and\\_promoting\\_shared\\_prosperity](http://www.worldbank.org/en/news/feature/2013/04/17/ending_extreme_poverty_and_promoting_shared_prosperity).
5. Anne-Marie Leroy & Frank Fariello, *The World Bank Group Sanctions Process and Its Recent Reforms*, 7 (2012), available at <http://siteresources.worldbank.org/INTLAWJUS-TICE/Resources/SanctionsProcess.pdf>.
6. *Id.* at 2. The World Bank Group maintains a separate vendor responsibility system for its own corporate procurement. In this system, which is housed within the World Bank Group’s General Services Department (GSD), a vendor must meet a range of standards relating to, among other things, the financial and organizational capacity of the vendor to deliver or perform services, as well as its track record in performing on World Bank Group contracts in the past, in order to be deemed a responsible vendor with whom the World Bank Group will conduct direct business. In addition, a vendor must not have committed “any act or offense indicating a lack of integrity or honesty that seriously and directly affects [its] present responsibility..., including fraudulent, corrupt, collusive, coercive, or obstructive practices[.]” Under the GSD vendor eligibility system, the “burden of proof” is, in effect, placed on vendors to demonstrate to GSD that they are “responsible” before GSD will approve their application or award them a contract. *Id.* at 22.
7. *Id.* at 3.
8. Agreement for Mutual Enforcement of Debarment Decisions (Apr. 9, 2010), available at <http://crossdebarment.org>. See also The World Bank, *Cross-Debarment Accord Steps Up Fight Against Corruption*, World Bank Press Release 2010/341/INT (Apr. 9, 2010), available at <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:22535805~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>; Stephen S. Zimmermann & Frank A. Fariello Jr., *Coordinating the Fight against Fraud and Corruption: Agreement on Cross-Debarment among Multilateral Development Banks*, 3 WORLD BANK LEGAL REV. 189 (2011).
9. Leroy, *supra* note 5, at 8.
10. See, e.g., Pascale Hélène Dubois, *Domestic and Administrative Tools to Combat Fraud & Corruption: A Comparison of US Suspension and Debarment with the World Bank’s Sanctions System*, 2012 U CHI LEGAL F 195 (2012); Leroy, *supra* note 5, at 8–9.
11. When INT believes that the laws of a World Bank member country may have been broken, it refers those findings to the relevant authorities. World Bank Group Integrity Vice Presidency, *FY13 Annual Update*, 6 (2013), available at [http://www-wds.worldbank.org/external/default/WDSCContentServer/WDSP/IB/2013/10/16/000356161\\_20131016131322/Rendered/PDF/818580BR0Integ010PUBLIC00Box379845B.pdf](http://www-wds.worldbank.org/external/default/WDSCContentServer/WDSP/IB/2013/10/16/000356161_20131016131322/Rendered/PDF/818580BR0Integ010PUBLIC00Box379845B.pdf).
12. James D. Wolfensohn, The World Bank Group, *Summary Proceedings of the Fifty-First Annual Meeting of the Board of Governors: Opening Address by the President of the World Bank Group*, 27 (Oct. 1, 1996), available at <http://www.imf.org/external/pubs/ft/SUMMARY/51/pdf/part01.pdf>.
13. Leroy, *supra* note 5, at 9. An informal, unwritten administrative sanctions procedure had existed at the World Bank as far back as the early 1990s, becoming codified as World Bank officials increasingly recognized that fraud and corruption undermined the World Bank’s ability to protect funds entrusted to it by member countries. In recognition of this fact and in response to President Wolfensohn’s speech, in July 1996 the World Bank formally drafted “[p]rocedures to deal with allegations of fraud and corruption under World Bank-financed contracts” and revised its procurement guidelines. Formal implementation of the 1996 amendments did not occur until the issuance of an Operational Memorandum in January 1998. The Operational Memorandum not only implemented the Procurement Guidelines, but also jump-started developments in the World Bank’s investigation procedures.
14. Dick Thornburgh, Ronald L. Gainer & Cuyler H. Walker, *Report Concerning the Debarment Processes of the World Bank* (Aug. 14, 2002), available at <http://siteresources.worldbank.org/INTDOII/Resources/thornburghreport.pdf>.
15. The World Bank Group, *Annual Report on Investigations and Sanctions of Staff Misconduct and Fraud and Corruption in Bank-Financed Projects Fiscal 2004*, World Bank Board Report 31575, Appendix 3 (Jan. 1, 2004).

16. *Id.* In 2007, in response to a desire shared by the World Bank and private companies to help level the playing field and ensure that all companies adhere to internationally accepted standards of business conduct, the World Bank launched a Voluntary Disclosure Program (VDP). Participants in the VDP disclose information about bribes, kickbacks, and other misconduct they have committed under Bank-financed contracts and promise to implement a strict compliance program—while remaining eligible to bid on future contracts and while maintaining confidentiality.
17. The World Bank, *Sanctions Reform: Expansion of Sanctions Regime beyond Procurement and Sanctioning of Obstructive Practices*, World Bank Board Papers R2006-0149 (July 28, 2006).
18. The World Bank, *Sanctions Reform: Expansion of Sanctions Regime Beyond Procurement and Sanctioning of Obstructive Practices – Information Note for Borrowers* (July 2006), available at <http://siteresources.worldbank.org/PROJECTS/Resources/40940-1173795340221/SanctionsReformNoteBorrowers.pdf>.
19. For the definitions of sanctionable practices as they have developed over time, see [www.worldbank.org/sanctions](http://www.worldbank.org/sanctions), “Key and Reference Documents.”
20. *Sanctions Reform: Expansion of Sanctions Regime Beyond Procurement and Sanctioning of Obstructive Practices – Information Note for Borrowers*, *supra* note 18.
21. Given the nature of IFC’s operations, including the variety of investment and advisory products offered and the challenge of communicating with a large community of private sector clients, changes to IFC operations were not effective until January 1, 2007. See The World Bank, *Information Note to the Board of Directors, Implementation in IFC Operations of Sanctions Reform* (Mar. 1, 2007).
22. Thornburgh, *supra* note 14, at 37.
23. The World Bank, *Terms of Reference of the World Bank (IBRD/IDA) Evaluation Officer*, available at [http://siteresources.worldbank.org/EXTOFFEVASUS/Resources/EO\\_Terms\\_of\\_Reference.pdf](http://siteresources.worldbank.org/EXTOFFEVASUS/Resources/EO_Terms_of_Reference.pdf).
24. *Id.*
25. Myrna Alexander & Charles Fletcher III, *Analysis of World Bank Completed Cases of Fraud and Corruption from the Perspective of Procurement, Background Paper: Review of the World Bank’s Procurement Policies and Procedures* (July 2012), available at [http://consultations.worldbank.org/Data/hub/files/meetings/Procurement\\_Policies/Analysis\\_F&C\\_Findings\\_Completed\\_Cases.pdf](http://consultations.worldbank.org/Data/hub/files/meetings/Procurement_Policies/Analysis_F&C_Findings_Completed_Cases.pdf).
26. Pascale Hélène Dubois & Aileen Elizabeth Nowlan, *Global Administrative Law and the Legitimacy of Sanctions Regimes in International Law*, 36 YALE J. INT’L L. ONLINE 15 (2010).
27. Thornburgh, *supra* note 14; The World Bank, *Reform of the World Bank’s Sanctions Process*, World Bank Board Report 29527 (June 28, 2004), available at [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/06/29/000160016\\_20040629112806/Rendered/PDF/295270rev.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/06/29/000160016_20040629112806/Rendered/PDF/295270rev.pdf).
28. Terms of Reference of the World Bank (IBRD/IDA) Evaluation Officer, *supra* note 23.
29. OSD plays no role in the selection of INT cases. Please see the annual reports of INT, available online, for a more complete description of how allegations of misconduct are reported and which allegations result in investigations.
30. World Bank Sanctions Procedures (Apr. 2012), sec. 1.02(a). See [www.worldbank.org/sanctions](http://www.worldbank.org/sanctions), “Key and Reference Documents,” for both the World Bank Sanctions Procedures and the World Bank Group Sanctioning Guidelines.
31. Except as to the substantive determination regarding the sufficiency of the evidence supporting each accusation, OSD plays no role in the drafting or revision of SAEs.
32. World Bank Sanctions Procedures and World Bank Group Sanctioning Guidelines, *supra* note 30.
33. Per the Sanctioning Guidelines, the default or “baseline” sanction is debarment with conditional release; this is the sanction most often recommended.
34. The Notice of Temporary Suspension contains the following information: (1) notification of the Respondent’s temporary suspension and the procedure by which the Respondent may provide a Preliminary Explanation; and (2) INT’s Request for Temporary Suspension and the accompanying evidence submitted by INT, together with copies of the current Sanctions Procedures and the Sanctions Board Statute. Upon issuance of the Notice of Temporary Suspension by the SDO, the Respondent is temporarily suspended from eligibility for contracts on World Bank-financed projects. The initial duration of the ETS is six months, but INT may request an additional six-month extension no later than five months after the commencement of the temporary suspension. As with temporary suspensions imposed in connection with the issuance of a Notice of Sanctions Proceedings, the fact that a Respondent has been temporarily suspended is shared with certain personnel of the World Bank’s member countries via a limited-access website. If INT does not submit an SAE to the SDO prior to the end of the six- or twelve-month period of suspension, as applicable, the suspension automatically expires. See World Bank Sanctions Procedures, *supra* note 30, sec. 2.01(b), sec. 2.02, sec. 2.03, and sec. 2.04.
35. *Id.* sec. 2.03. Explanations are received from approximately one third of Respondents.
36. *Id.* sec. 4.03(a).
37. See The World Bank Group Sanctions Board, *Law Digest* (2011), available at <http://go.worldbank.org/S9PFFMD6X0>; see also Sanctions Decisions, <http://go.worldbank.org/58RC7DVWW0>.
38. See Leroy, *supra* note 5, at 14-17; see also Summary of World Bank Group Integrity Compliance Guidelines, available at [http://siteresources.worldbank.org/INTDOI/Re-sources/IntegrityComplianceGuidelines\\_2\\_1\\_11web.pdf](http://siteresources.worldbank.org/INTDOI/Re-sources/IntegrityComplianceGuidelines_2_1_11web.pdf).
39. African Development Bank Group, *Sanctions System*, <http://www.afdb.org/en/about-us/structure/integrity-and-anti-corruption/sanctions-system/>.
40. Asian Development Bank, *Sanctions*, <http://www.adb.org/site/integrity/sanctions>.
41. European Bank for Reconstruction and Development, *Accountability, Integrity and Anti-Corruption*, <http://www.ebrd.com/pages/about/integrity.shtml>.
42. Inter-American Development Bank, *Sanctions at the IDB Group*, <http://www.iadb.org/en/topics/transparency/integrity-at-the-idb-group/sanctions-at-the-idb,2843.html>.
43. Agreement for Mutual Enforcement of Debarment Decisions (Apr. 9, 2010), available at <http://crossdebarment.org>. See also The World Bank, *Cross-Debarment Accord Steps Up Fight Against Corruption*, World Bank Press Release 2010/341/INT (Apr. 9, 2010), available at <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMD-K:22535805~pagePK:64257043~piPK:437376~theSitePK:4607,00.html> (Apr. 9, 2010); Zimmermann, *supra* note 8.
44. *Sanctions Reform: Expansion of Sanctions Regime Beyond Procurement and Sanctioning of Obstructive Practices – Information Note for Borrowers*, *supra* note 18, at 8-9.
45. INT’s annual reports, which are available at [www.worldbank.org/integrity](http://www.worldbank.org/integrity), reflect INT’s tabulation of data relating to its investigative work.

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**Pascale Hélène Dubois**

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To report allegations of misconduct in Bank-financed operations, contact the INT Fraud and Corruption Hotline:

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- ▶ Calls accepted Monday to Friday from 9:00 am to 5:00 pm (EST)
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