

Date of issuance: October 16, 2017

**Sanctions Board Decision No. 99
(Sanctions Case No. 434)**

**Multi-Donor Trust Fund Grant No. TF099175
Pakistan**

Decision of the World Bank Group¹ Sanctions Board imposing a sanction of debarment on the individual respondent in Sanctions Case No. 434 (the “Respondent”), together with certain Affiliates,² for a period of two (2) years beginning from the date of this decision. This sanction is imposed on the Respondent for fraudulent practices.

I. INTRODUCTION

1. The Sanctions Board met in a panel session on September 12, 2017, at the World Bank Group’s headquarters in Washington, D.C., to review this case. The Sanctions Board was composed of Olufunke Adekoya (Panel Chair), Ellen Gracie Northfleet, and Catherine O’Regan. Neither the Respondent nor the World Bank Group’s Integrity Vice Presidency (“INT”) requested a hearing in this matter. Nor did the Sanctions Board Chair³ decide, in her discretion, to convene a hearing. Accordingly, the Sanctions Board deliberated and reached its decision on the written record.⁴

2. In accordance with Section III.A, sub-paragraph 8.02(a) of the Sanctions Procedures, the written record for the Sanctions Board’s consideration included the following:

- i. Notice of Sanctions Proceedings issued by the World Bank’s Suspension and Debarment Officer (the “SDO”) to the Respondent on December 2, 2016 (the “Notice”), appending the Statement of Accusations and Evidence (the “SAE”) presented to the SDO by INT, dated October 24, 2016;
- ii. Explanation submitted by the Respondent to the SDO on January 23, 2017 (the “Explanation”);

¹ In accordance with Section II(y) of the World Bank Procedure: Sanctions Proceedings and Settlements in Bank Financed Projects issued by the World Bank on June 28, 2016 (the “Sanctions Procedures”), the term “World Bank Group” means, collectively, the International Bank for Reconstruction and Development (“IBRD”), the International Development Association (“IDA”), the International Finance Corporation (“IFC”), and the Multilateral Investment Guarantee Agency (“MIGA”). For the avoidance of doubt, the term “World Bank Group” includes the guarantee operations of IBRD and IDA, but does not include the International Centre for the Settlement of Investment Disputes (“ICSID”). As in the Sanctions Procedures, the terms “World Bank” and “Bank” are here used interchangeably to refer to both IBRD and IDA. See Sanctions Procedures at Section II(x).

² Section II(a) of the Sanctions Procedures defines “Affiliates” as “any legal or natural person that controls, is controlled by, or is under common control with, the Respondent, as determined by the Bank.” The sanction imposed by this decision applies only to those Affiliates that are directly or indirectly controlled by the Respondent.

³ Sanctions Procedures at Section II(s).

⁴ See Sanctions Procedures at Section III.A, sub-paragraph 6.01.

- iii. Response submitted by the Respondent to the Sanctions Board on June 6, 2017 (the “Response”); and
- iv. Reply submitted by INT to the Sanctions Board on July 10, 2017 (the “Reply”).

3. On December 2, 2016, pursuant to Section III.A, sub-paragraphs 4.01 and 4.02 of the Sanctions Procedures, the SDO issued the Notice and temporarily suspended the Respondent, together with any entity that is an Affiliate directly or indirectly controlled by the Respondent, from eligibility⁵ with respect to any Bank-Financed Projects,⁶ pending the final outcome of these sanctions proceedings. The Notice specified that the temporary suspension would apply across the operations of the World Bank Group. In addition, pursuant to Section III.A, sub-paragraphs 4.01(c), 9.01, and 9.04 of the Sanctions Procedures, the SDO recommended debarment with conditional release for the Respondent, together with any entity that is an Affiliate directly or indirectly controlled by the Respondent. The SDO recommended a minimum period of ineligibility of two (2) years, after which the Respondent may be released from ineligibility only if he has, in accordance with Section III.A, sub-paragraph 9.03 of the Sanctions Procedures, demonstrated to the World Bank Group’s Integrity Compliance Officer that he has (i) taken appropriate remedial measures to address the sanctionable practice for which the Respondent has been sanctioned; (ii) completed training and/or other educational programs that demonstrate a continuing commitment to personal integrity and business ethics; and (iii) adopted and implemented an effective integrity compliance program with respect to any Affiliate directly or indirectly controlled by the Respondent in a manner satisfactory to the Bank.

4. As provided by Section III.A, sub-paragraph 5.01(a) of the Sanctions Procedures, a respondent may contest INT’s allegations and/or the SDO’s recommended sanction within 90 days from the date on which the Notice is deemed to have been delivered to that respondent. Absent the Respondent’s submission of a written response by the applicable due date,⁷ the SDO issued a Notice of Uncontested Sanctions Proceedings and debarred the Respondent on June 6, 2017, pursuant to Section III.A, sub-paragraph 4.04 of the Sanctions Procedures. On the same day, the Respondent filed his Response. On June 8, 2017, the Sanctions Board Chair granted the Respondent a retroactive extension of time to file his Response and accordingly admitted the Response into the record. On June 9, 2017, the SDO removed the Respondent from the public debarment list and reinstated his temporary suspension pending the final outcome of these proceedings.

II. GENERAL BACKGROUND

5. This case arises in the context of the Economic Revitalization of Khyber Pakhtunkhwa (“KP”) and Federally Administered Tribal Areas (“FATA”) Project (the “Project”) in the Islamic Republic of Pakistan. The Project sought to support Pakistan in the economic recovery and revitalization of the

⁵ The full scope of ineligibility effected by a temporary suspension is defined in the Sanctions Procedures at Section III.A, sub-paragraphs 4.02(a) and 9.01(c), read together.

⁶ The term “Bank-Financed Projects” encompasses any project or program financed by the Bank and governed by the Bank’s Procurement Guidelines, Consultant Guidelines, or Anti-Corruption Guidelines. For the avoidance of doubt, the term “Bank-Financed Projects” includes activities financed through trust funds administered by the Bank to the extent governed by said Guidelines. Sanctions Procedures at Section III.A, sub-paragraph 1.01(c)(i), n.3.

⁷ The Respondent’s Response was originally due on June 5, 2017.

crisis-affected areas of KP and FATA by “creating sustainable employment opportunities through rehabilitation of Small and Medium Enterprises, investment mobilization and institutional capacity building.” The Bank, acting as administrator of the KP/FATA/Balochistan Multi-Donor Trust Fund, entered into a trust fund grant agreement with Pakistan on October 11, 2011, to provide US\$20 million for the Project (the “Grant Agreement”). The Project became effective on the same day and closed on June 30, 2016.

6. In September 2011, one of the project management units (the “PMU”) published in Pakistan’s leading newspapers an advertisement, in consultation with the Bank, for a Project Officer – Investment Mobilization (the “Project Officer”) vacancy. The Respondent submitted his application for the vacancy on September 17, 2011. The Respondent topped both the short-listing committee’s assessment of the candidates and the interviews subsequently conducted by the selection committee. Both the short-listing and selection committees indicated in their respective meetings that the names of the three top-ranked candidates were to be submitted to the Bank for final endorsement. On January 16, 2012, the Bank issued a letter of no-objection to the hiring of the Respondent as Project Officer. On January 27, 2012, the PMU offered the position to the Respondent. On February 1, 2012, the PMU and the Respondent signed a Bank-financed contract for consulting services (the “Contract”), which was to be governed by the relevant KP government and “IBRD/IDA laws.”

7. INT alleges that the Respondent engaged in a fraudulent practice by including false information in his curriculum vitae (“CV”) and submitting a fraudulent experience certificate when applying for the Project Officer vacancy.

III. APPLICABLE STANDARDS OF REVIEW

8. *Standard of proof:* Pursuant to Section III.A, sub-paragraph 8.02(b)(i) of the Sanctions Procedures, the Sanctions Board determines whether the evidence presented by INT, as contested by a respondent, supports the conclusion that it is “more likely than not” that the respondent engaged in a sanctionable practice. Section III.A, sub-paragraph 8.02(b)(i) defines “more likely than not” to mean that, upon consideration of all the relevant evidence, a preponderance of the evidence supports a finding that the respondent engaged in a sanctionable practice.

9. *Burden of proof:* Under Section III.A, sub-paragraph 8.02(b)(ii) of the Sanctions Procedures, INT bears the initial burden of proof to present evidence sufficient to establish that it is more likely than not that a respondent engaged in a sanctionable practice. Upon such a showing by INT, the burden of proof shifts to the respondent to demonstrate that it is more likely than not that its conduct did not amount to a sanctionable practice.

10. *Evidence:* As set forth in Section III.A, sub-paragraph 7.01 of the Sanctions Procedures, formal rules of evidence do not apply; and the Sanctions Board has discretion to determine the relevance, materiality, weight, and sufficiency of all evidence offered.

11. *Applicable definition of fraudulent practices:* The alleged fraudulent practice in this case has the meaning set forth in the World Bank’s Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers (January 2011) (the “January 2011 Consultant Guidelines”), which is referenced in the Grant Agreement as applicable

to the Project. Paragraph 1.23(a)(ii) of these Guidelines defines the terms “fraudulent practice” as “any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation.”

IV. PRINCIPAL CONTENTIONS OF THE PARTIES

A. INT’s Principal Contentions in the SAE

12. INT alleges that the Respondent included a false claim in his CV and submitted a fraudulent experience certificate when he applied for the Project Officer position. Specifically, INT asserts that the Respondent’s CV included (i) a claim of past work experience as a “Business Consultant” from January 2007 to February 2009 in a consulting firm (the “Consulting Firm”) and (ii) a work experience certificate purportedly issued by the Consulting Firm’s chief executive (the “Consulting Firm’s Executive”). INT contends that almost two years after the Respondent had assumed the role of Project Officer and upon receipt of a complaint alleging the Respondent’s purportedly fraudulent conduct, the PMU sought verification of the Respondent’s work experience from the Consulting Firm. The Consulting Firm’s Executive stated that the Consulting Firm was formally registered only in 2010, and that he did not sign and his office did not issue the work experience certificate. According to INT, the Respondent was fully aware that he did not meet the requirements of the position and that he would not have qualified for it without the false experience.

13. INT does not allege any aggravating factors. INT asserts that the Respondent deserves no mitigation for agreeing to be interviewed and sending several emails and documents because his cooperation is undermined by his conflicting statements and denials in the face of documents showing otherwise.

B. The Respondent’s Principal Contentions in the Explanation and the Response

14. In his Explanation, the Respondent asserts that the PMU project director (the “Project Director”) was involved in the alleged misconduct. The Respondent also contends that while the Consulting Firm’s Executive – who purportedly has a good relationship with the Project Director and obtained benefits from the Project – claimed that the Consulting Firm was registered only in 2010, the company had been in operation since 2008. The Respondent further argues that he performed his duties and responsibilities with full dedication and honesty, that he cooperated with INT during its investigation, and that the severity of the sanction would have a long-term impact on his personal and professional life. In his Response, the Respondent does not contest the allegations and states that he “made a mistake.” He nevertheless seeks reconsideration of the recommended sanction “on humanitarian basis,” asserting, *inter alia*, that “all this is having long lasting effects on my personal, professional, social life, and health.”

C. INT’s Principal Contentions in the Reply

15. INT asserts that although the Respondent “has conceded to some wrong-doing, unlike in his previous communications with INT and in the Explanation,” the matters that the Respondent raised in his Response as the basis for “seeking leniency” do not warrant mitigation. INT argues that the effects of debarment on the Respondent’s social and professional life, as well as his financial

hardship, are not mitigating. Finally, INT submits that the SDO's recommended sanction is appropriate.

V. THE SANCTIONS BOARD'S ANALYSIS AND CONCLUSIONS

16. The Sanctions Board will first consider whether it is more likely than not that the Respondent engaged in the alleged fraudulent practice. The Sanctions Board will then determine what sanctions, if any, should be imposed on the Respondent.

A. Evidence of Fraudulent Practice

17. In accordance with the definition of "fraudulent practice" under the January 2011 Consultant Guidelines, INT bears the initial burden to show that it is more likely than not that the Respondent (i) engaged in any act or omission, including misrepresentation (ii) that knowingly or recklessly misled, or attempted to mislead, a party (iii) to obtain financial or other benefit or to avoid an obligation.

1. Misrepresentation

18. INT alleges that the Respondent included false information in his CV and submitted a fraudulent experience certificate when he applied for the Project Officer vacancy. The Respondent states in his Response that he "made a mistake," and acknowledged during his interview and correspondence with INT that the information in his CV and the experience certificate are false. In past decisions finding that respondents submitted forged bid documents, the Sanctions Board relied primarily on written statements from the parties named in or supposedly issuing the allegedly fraudulent documents, as well as the respondents' own admissions.⁸

19. In the present case, the record shows that the Respondent's application for the Project Officer vacancy contains two misrepresentations. First, the Respondent's CV indicates that he was a "Business Consultant" at the Consulting Firm from January 2007 to February 2009. However, the Respondent asserted during his interview with INT that before applying for Project Officer, he had neither heard of nor visited the Consulting Firm. The Respondent also told INT during its investigation that he added this entry in his CV upon the advice of the Project Director, who informed him that he lacked relevant experience for the position.

20. Second, the Respondent's application contains an experience certificate dated February 3, 2009, signed by the Consulting Firm's Executive, stating that the Respondent worked at the Consulting Firm from January 2007 to February 2009. When confronted with this experience certificate, the Consulting Firm's Executive stated in an email to the PMU on February 13, 2014, that the Consulting Firm was established only in 2010. The Consulting Firm's Executive further

⁸ See, e.g., Sanctions Board Decision No. 61 (2013) at para. 21 (finding misrepresentation on the basis of written denials of authenticity by the purported issuers and signatories of the documents at issue, as well as the additional indicia of falsity on the face of the documents and the respondents' tacit acknowledgement that the documents are inauthentic); Sanctions Board Decision No. 69 (2014) at para. 19 (finding that experience documents were forged and constituted misrepresentations where the record contained written statements from the purported issuers of the experience documents denying their authenticity and asserting various indicia of falsity therein).

denied that he signed, and that the Consulting Firm issued, the purported work experience certificate. On the basis of this record, the Sanctions Board finds that it is more likely than not that the Respondent's CV and experience certificate contained misrepresentations with respect to his work experience.

2. Made knowingly or recklessly

21. INT alleges that the Respondent knowingly submitted his CV containing false work experience and the fraudulent experience certificate. Although the Respondent does not contest INT's allegations in his Response, he asserted during his interview and in communications with INT that the Project Director had advised him to include false information in his CV, and had "planted" the alleged fraudulent experience certificate in his application.

22. Even on the version of facts provided by the Respondent, the Sanctions Board notes that the Respondent admits that the experience certificate contained false information about his work experience and further admits that he knew that this experience certificate was submitted as part of his application. Yet, the Sanctions Board observes, the Respondent took no steps to correct the misleading impression created by the false experience certificate. Indeed, he amended his CV to match the false claim in the experience certificate and sent it to the Project Director in support of his application. In these circumstances and considering the record as a whole, the Sanctions Board concludes that it is more likely than not that the Respondent knew of the misrepresentations in his CV and in the experience certificate submitted in support of his application for the Project Officer position.

3. To obtain a financial or other benefit or to avoid an obligation

23. INT argues that the Respondent knew that he would not have qualified for the position in question without the falsely claimed experience. In previous cases where the record showed that a respondent's submission of forged or misleading documents was made in response to a bid requirement, the Sanctions Board has found that the respondent's use of the documents was more likely than not intended to show the respondent's qualifications and help the respondent win the tender and benefit from such award.⁹

24. Here, the record shows that the Project Officer vacancy required at least five years of relevant experience in "the technical, project and administrative management area." The vacancy stated that "[s]pecific experience of managing donor funded projects supporting the public sector development will have an added advantage." As advertised, the responsibilities for the position included "undertaking a pre-feasibility study for a Diaspora bond to establish the need, justification, mechanics and structure of the financial instrument." The Respondent's CV and work experience certificate indicated that he engaged in proposal writing and the preparation of pre-feasibility studies while working at the Consulting Firm. None of the other entries in his CV contain the same or similar responsibilities as those listed under his purported experience at the Consulting Firm. The Respondent admits that the required experience for Project Officer was quite specific and

⁹ See, e.g., Sanctions Board Decision No. 48 (2012) at para. 25; Sanctions Board Decision No. 61 (2013) at para. 28; Sanctions Board Decision No. 75 (2014) at para. 25; Sanctions Board Decision No. 77 (2015) at para. 37; Sanctions Board Decision No. 79 (2015) at para. 31.

specialized; that the Project Director had informed him of the need to produce a certificate mentioning that the Respondent has relevant work experience, as his existing qualifications did not meet the criteria; and that none of the candidates had the requisite relevant experience. Thus, the record supports a finding that the Respondent more likely than not misrepresented his work experience in his CV with the intent to obtain the Project Officer position.

25. The Sanctions Board is not persuaded by the Respondent's defense, which he argued in his interview with INT, that even without the falsely claimed experience at the Consulting Firm, he would still have been chosen for the job because of his existing qualifications. The Sanctions Board notes that it is irrelevant whether the Respondent's claimed work experience at the Consulting Firm was ultimately material to the hiring decision. In previous cases, the Sanctions Board has explicitly found the element of intent to have been met where the record revealed that the respondent had made a fraudulent misrepresentation in response to a specific bid requirement "[i]rrespective of the bid requirement's actual significance, and the subjective assessment thereof by a bidder."¹⁰ In these circumstances, the Sanctions Board finds that it is more likely than not that the Respondent acted with the requisite intent.

B. Sanctioning Analysis

1. General framework for determination of sanctions

26. Where the Sanctions Board determines that it is more likely than not that a respondent engaged in a sanctionable practice, Section III.A, sub-paragraph 8.01(b) of the Sanctions Procedures requires the Sanctions Board to select and impose one or more appropriate sanctions from the range of possible sanctions identified in Section III.A, sub-paragraph 9.01. The range of sanctions set out in Section III.A, sub-paragraph 9.01 includes: (i) reprimand, (ii) conditional non-debarment, (iii) debarment, (iv) debarment with conditional release, and (v) restitution or remedy. As stated in Section III.A, sub-paragraph 8.01(b) of the Sanctions Procedures, the Sanctions Board is not bound by the SDO's recommendations.

27. As reflected in Sanctions Board precedent, the Sanctions Board considers the totality of the circumstances and all potential aggravating and mitigating factors to determine an appropriate sanction.¹¹ The choice of sanction is not a mechanistic determination, but rather a case-by-case analysis tailored to the specific facts and circumstances presented in each case.¹²

28. The Sanctions Board is required to consider the types of factors set forth in Section III.A, sub-paragraph 9.02 of the Sanctions Procedures, which provides a non-exhaustive list of considerations. In addition, the Sanctions Board refers to the factors and principles set out in the World Bank Sanctioning Guidelines (the "Sanctioning Guidelines"). While the Sanctioning Guidelines themselves state that they are not intended to be prescriptive in nature, they provide guidance as to the types of considerations potentially relevant to a sanctions determination. The Sanctioning Guidelines further suggest potentially applicable ranges of increases or decreases from

¹⁰ Sanctions Board Decision No. 71 (2014) at para. 76; Sanctions Board Decision No. 91 (2016) at para. 30.

¹¹ See, e.g., Sanctions Board Decision No. 40 (2010) at para. 28.

¹² Sanctions Board Decision No. 44 (2011) at para. 56.

a proposed base sanction of debarment with the possibility of conditional release after a minimum period of three years.

29. Should the Sanctions Board impose a sanction on a respondent, it may also, pursuant to Section III.A, sub-paragraph 9.04(b) of the Sanctions Procedures, impose appropriate sanctions on any Affiliate of such respondent.

2. Factors considered in the present case

a. Cooperation

30. Section III.A, sub-paragraph 9.02(e) of the Sanctions Procedures provides for mitigation where a respondent “cooperated in the investigation or resolution of the case.” Section V.C of the Sanctioning Guidelines identifies a respondent’s assistance with INT’s investigation and admission or acceptance of guilt or responsibility as examples of cooperation.

31. *Assistance and/or ongoing cooperation:* Section V.C.1 of the Sanctioning Guidelines provides that mitigation may be appropriate for assistance and/or ongoing cooperation, “[b]ased on INT’s representation that the respondent has provided substantial assistance in an investigation,” with consideration of the “truthfulness, completeness, reliability of any information or testimony, the nature and extent of the assistance, and the timeliness of assistance.” In past cases, the Sanctions Board has granted mitigation where the respondent met with INT on several occasions and provided relevant information and documentation,¹³ or replied to INT’s show-cause letter and follow-up inquiries.¹⁴ The Sanctions Board has declined mitigation where the respondents’ statements to INT revealed substantial internal inconsistencies;¹⁵ or “failed to show the type of candor and cooperation as would warrant mitigation”;¹⁶ or where the respondent’s reply to INT’s show-cause letter lacked credibility and was inconsistent with its previous assertions.¹⁷

32. In this case, INT asserts that the Respondent deserves no mitigation because while he agreed to an interview and sent INT several emails and documents, his conflicting statements and denials undermined his cooperation. The record shows that the Respondent met with INT for one interview, corresponded with INT and provided INT with documentation during its investigation, and responded to the show-cause letter. The Sanctions Board finds that despite the Respondent’s inconsistent statements during INT’s investigation, his cooperation nevertheless warrants some mitigation.

33. *Admission/acceptance of guilt/responsibility:* Section V.C.3 of the Sanctioning Guidelines recognizes cooperation in the form of a respondent’s admission or acceptance of guilt or responsibility, with the condition that early admissions or acceptance should be given more weight

¹³ Sanctions Board Decision No. 53 (2012) at para. 58; Sanctions Board Decision No. 92 (2017) at para. 122.

¹⁴ See, e.g., Sanctions Board Decision No. 66 (2014) at para. 42; Sanctions Board Decision No. 92 (2017) at para. 122.

¹⁵ Sanctions Board Decision No. 61 (2013) at para. 44.

¹⁶ Sanctions Board Decision No. 77 (2015) at para. 54.

¹⁷ Sanctions Board Decision No. 75 (2014) at para. 34.

than admissions or acceptance coming later in the investigation or sanctions proceedings. INT asserts in its Reply that the Respondent “has conceded to some wrong-doing, unlike in his previous communications with INT and in the Explanation.” In considering whether admissions warrant mitigating credit, the Sanctions Board has looked to the timing and investigative value of admissions, as well as their scope.¹⁸ In past cases, the Sanctions Board has (i) denied mitigation where the respondent conceded to the events alleged but contested the respondent’s own culpability or responsibility,¹⁹ or where the respondent’s limited acceptance of responsibility came late in the sanctions proceedings;²⁰ (ii) applied limited mitigation where the respondents made early admissions, but made later denials of culpability during the course of the sanctions proceedings;²¹ and (iii) accorded full mitigation where the respondents admitted to the misconduct throughout the investigative and sanctions processes.²²

34. In the present case, the record shows that during INT’s investigation, the Respondent failed to provide a full and candid account of the events. Nevertheless, the Respondent stated during the investigation that he submitted a CV reflecting a false claim. In his Response, the Respondent did not contest INT’s allegations and stated that he “made a mistake.” In these circumstances, the Sanctions Board finds that some mitigation is warranted under this factor.

b. Period of temporary suspension and debarment

35. Pursuant to Section III.A, sub-paragraph 9.02(h) of the Sanctions Procedures, the Sanctions Board takes into account the period of the Respondent’s temporary suspension since the SDO’s issuance of the Notice on December 2, 2016. Separately, the Sanctions Board also takes into account the Respondent’s brief period of debarment from June 6 to June 9, 2017, resulting from his failure to timely respond to the Notice as noted in Paragraph 4 above.

¹⁸ See generally, Sanctions Board Decision No. 56 (2013) at paras. 76-77; Sanctions Board Decision No. 60 (2013) at para. 134; Sanctions Board Decision No. 61 (2013) at para. 47.

¹⁹ See, e.g., Sanctions Board Decision No. 52 (2012) at para. 43 (where the respondent asserted that it was an innocent victim of circumstance and denied any responsibility); Sanctions Board Decision No. 61 (2013) at para. 47 (where the respondents acknowledged the forgery without admitting or accepting their own culpability or responsibility); Sanctions Board Decision No. 92 (2017) at para. 125 (where the respondent firm limited its admission to the inaccuracy of the information, but not to any intention to defraud).

²⁰ Sanctions Board Decision No. 55 (2013) at para. 82 (where the respondent accepted liability and responsibility for its employee’s actions while denying culpability for direct wrongdoing during the hearing, but made repeated denials through the pleadings phase).

²¹ Sanctions Board Decision No. 60 (2013) at para. 134; Sanctions Board Decision No. 63 (2014) at para. 113.

²² See, e.g., Sanctions Board Decision No. 74 (2014) at para. 44 (where the respondent’s director admitted to the misconduct during her interview with INT, and the respondent appeared to acknowledge responsibility in its Response for the director’s actions, seeking a lower or no sanction based on mitigating factors rather than on a denial of liability); Sanctions Board Decision No. 79 (2015) at para. 50 (where the respondent overall acknowledged responsibility during the investigation process and clearly accepted responsibility throughout the sanctions proceedings).

c. Other considerations

36. Under Section III.A, sub-paragraph 9.02(i) of the Sanctions Procedures, the Sanctions Board may consider “any other factor” that it “reasonably deems relevant to the sanctioned party’s culpability or responsibility in relation to the Sanctionable Practice.”

37. *Adverse consequences of debarment:* The Respondent argues that “all this is having long lasting effects on my personal, professional, social life, and health.” Consistent with past precedent,²³ and considering the constraints on the Sanctions Board’s discretion under Section III.A, sub-paragraph 9.02(i) to consider factors relating to a respondent’s culpability or responsibility for the alleged misconduct, the Sanctions Board declines to apply mitigation for the effects of any debarment on the Respondent.

38. *Proportionality:* The Respondent asserts that “[t]his was one incident” that “does not deserve such sort of punishment.” As previously observed, the Sanctions Board determines appropriate sanctions on a case-by-case basis,²⁴ taking into account the totality of the circumstances and all potential aggravating and mitigating factors for each respondent.²⁵ Accordingly, the Sanctions Board declines to apply mitigation on this factor.

C. Determination of Liability and Appropriate Sanction

39. Considering the full record and all the factors discussed above, the Sanctions Board determines that the Respondent, together with any entity that is an Affiliate directly or indirectly controlled by the Respondent, shall be, and hereby declares that he is, ineligible to (i) be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;²⁶ (ii) be a nominated sub-contractor, consultant, manufacturer or supplier, or service provider²⁷ of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) receive the proceeds of any loan made by the Bank or otherwise participate further in the preparation or implementation of any Bank-Financed Projects for a period of two (2) years beginning from the date of this decision. The ineligibility shall extend across the operations of the World Bank Group. This sanction is

²³ See, e.g., Sanctions Board Decision No. 86 (2016) at para. 55.

²⁴ Sanctions Board Decision No. 44 (2011) at para. 56.

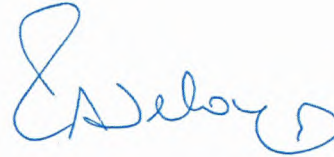
²⁵ See Sanctions Board Decision No. 85 (2016) at para. 53; Sanctions Board Decision No. 92 (2017) at para. 132.

²⁶ A respondent’s ineligibility to be awarded a contract includes, without limitation (i) applying for prequalification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, consultant, manufacturer or supplier, or service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract. Sanctions Procedures at Section III.A, sub-paragraph 9.01(c)(i), n.14.

²⁷ A nominated sub-contractor, consultant, manufacturer or supplier, or service provider (different names are used depending on the particular bidding document) is one which has been: (i) included by the bidder in its prequalification application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid; or (ii) appointed by the Borrower. Sanctions Procedures at Section III.A, sub-paragraph 9.01(c)(ii), n.15.

imposed on the Respondent for fraudulent practices as defined in Paragraph 1.23(a)(ii) of the January 2011 Consultant Guidelines.

40. The Bank will also provide notice of this declaration of ineligibility to the other multilateral development banks (“MDBs”) that are party to the Agreement for Mutual Enforcement of Debarment Decisions (the “Cross-Debarment Agreement”) so that they may determine whether to enforce the declaration of ineligibility with respect to their own operations in accordance with the Cross-Debarment Agreement and their own policies and procedures.²⁸



Olufunke Adekoya (Panel Chair)

On behalf of the
World Bank Group Sanctions Board

Olufunke Adekoya
Ellen Gracie Northfleet
Catherine O'Regan

²⁸ At present, the MDBs that are party to the Cross-Debarment Agreement are the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank Group, and the World Bank Group. The Cross-Debarment Agreement provides that, subject to the prerequisite conditions set forth in the Cross-Debarment Agreement, unless a participating MDB (i) believes that any of the prerequisite conditions set forth in the Cross-Debarment Agreement have not been met or (ii) decides to exercise its rights under the “opt out” clause set forth in the Cross-Debarment Agreement, each participating MDB will promptly enforce the debarment decisions of the other participating MDBs. More information about the Cross-Debarment Agreement is available on the Bank’s external website (<http://go.worldbank.org/B699B73Q00>).