

# Frequently Asked Questions on ADB Sanctions

## What is an ADB debarment and temporary suspension?

- Remedial actions imposed on entities\* that committed any integrity violation (including fraud, corruption, collusion, coercion, abuse, obstructive practice, or conflict of interest)
- Debarred or temporarily suspended entities are not eligible to participate in ADB-financed, -administered, or -supported activities

## Can sanctions be imposed on an individual?

- Individuals can also be debarred or temporarily suspended
- This may be due to the individual's role in an integrity violation or because the sanction extends to staff of a debarred firm

## Do sanctions imposed on a firm apply to its employees or associated firms?

- Employees who have been explicitly named and debarred in connection with a firm's debarment cannot participate in ADB-financed, -administered, and -supported activities
- Employees who have not been explicitly debarred but remain to be employed by the debarred firm are ineligible to participate in ADB-financed, -administered, and -supported activities
- Associated firms that are controlled or owned by the debarred firm, even if not explicitly named, cannot participate in ADB-financed, -administered, and -supported activities

\* Entity refers to a firm (including but is not limited to a corporation, partnership, or foundation) and an individual.

## Why do executing agency officials need access to ADB's Complete Sanctions List?

- To ensure that only eligible firms and individuals are prequalified, evaluated, shortlisted and awarded ADB contracts
- To monitor temporarily suspended or debarred entities which have existing contractual obligations
- To ensure a fair and competitive procurement process and reduce misprocurement
- To avoid implementation delays resulting from improper awarding of contracts to a temporarily suspended or debarred entity

## When is the executing agency required to check ADB's Complete Sanctions List?

Check at bidding process including prequalification, bid/proposal evaluation, prior to shortlisting, contract award, withdrawal applications, as well as during processing of contract variations, extensions, or modifications.

## How to manage access of executing agencies to ADB's Complete Sanctions List?

Executing agencies should

- Designate the appropriate person(s) from the organization/agency requiring access on a "need to know" basis
- Not share user accounts or passwords – each user must apply for a unique user ID
- Submit accurate and detailed information that allows the user ID to be identifiable to a single user
- Inform ADB ([integrity@adb.org](mailto:integrity@adb.org)) or the ADB project officer if the user profile details have changed since the initial request or require deactivation (access no longer required or user no longer connected with the executing agency)

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## What happens to contracts that have previously been awarded to sanctioned parties but are still in progress?

- Temporary suspensions or debarments may not affect existing contractual obligations of the debarred party
- The Integrity Oversight Committee may recommend that operations departments modify existing contractual obligations
- Contract variations, including any modifications or extensions, must be endorsed by the Office of Anticorruption and Integrity (OAI) to ensure that they are not an attempt to circumvent an entity's temporary suspension or debarment
- The temporarily suspended or debarred entity is required to inform the executing or implementing agency of its debarment or suspension and that ADB's endorsement is required for any contract variation

## What happens after the minimum debarment period is over?

- To restore eligibility, debarred parties must seek reinstatement
- Requests for reinstatement must be in writing, addressed to the Director, Investigations Division, OAI and provide a basis on which ADB should consider their reinstatement

## OAI will assess the credibility and merits of any request for reinstatement, taking into consideration a range of factors including, but not limited to:\*

- compliance with conditions for reinstatement
- reason for the sanction
- restitution
- changes in management or ownership of a firm
- other actions taken

\* For full details, see para. 104 of ADB's *Integrity Principles and Guidelines* (2015, as amended from time to time). ([www.adb.org/documents/integrity-principles-and-guidelines](http://www.adb.org/documents/integrity-principles-and-guidelines)).

## What is ADB's Complete Sanctions List?

List of entities debarred by ADB including those temporarily suspended or cross-debarred by ADB in accordance with the Cross Debarment Agreement ([www.crossdebarment.org](http://www.crossdebarment.org))

## Who can access ADB's sanctions lists?

- Published Sanctions List – accessible to everyone
- Complete Sanctions List – includes the Published Sanctions List; accessible to all ADB staff and those involved in ADB activities or endorsed by ADB with a need to know, including executing agencies and implementing agencies

## What is the difference between the Published Sanctions List and Complete Sanctions List?

- Published Sanctions List (no login required)
  - Sanctions violation while ineligible
  - Second and subsequent violations
  - Debarred entities who are uncontactable
  - Cross-debarred entities
  - Subset of the complete list
- Complete Sanctions List (for authorized users)
  - Published list
  - First violations
  - Temporary suspension

## How to access ADB's Sanctions List?

**1** Go to <http://sanctions.adb.org>

**2** Click on **Sign-up** to apply for access.

**3** Fill out the form.

**4** After completing the sign-up page, check "Accept Terms" to submit your application. You will receive a notification by e-mail. If you have problems submitting the online application, please download the form and e-mail to [integrity@adb.org](mailto:integrity@adb.org).