

## **A Global View of Debarment: Understanding Exclusion Systems Around the World**

A Working Group of the International Bar Association's Anti-Corruption Committee, in coordination with the World Bank Office of Suspension and Debarment ("OSD"), the Inter-American Development Bank Group's Sanctions Office, and Le Bureau de l'inspecteur général de la Ville de Montréal, is gathering knowledge and comparable data on an array of national suspension & debarment (or "exclusion") systems.

The goal of this survey is to compile as much data as possible on suspension & debarment systems, in a comparable format, to be consulted across jurisdictions and institutions by various stakeholders. The sources of data collection include private practitioners, government officials and academics in the field. The resulting data and related analysis, findings and recommendations will eventually be made public, but without any scoring or ranking and subject to the Access to Information Policies of the institutions participating in the Working Group.

The specifics of each of your responses will be held in strict confidentiality and will not be attributed directly to the respondent or his or her organization. Your identity will also be held in strict confidentiality unless you wish to be acknowledged for your contribution.

The survey strives to be as comprehensive as possible. It consists of a little over 60 questions and may take as long as 45 minutes to complete. Please feel free to respond to only those questions you are comfortable answering and/or have time to answer.

The survey examines the following information on exclusion regimes:

- A. Government-Wide Legal and Institutional Framework
- B. Functioning and Enforcement of the Government-Wide Exclusion System
- C. Substantive Grounds for Government-Wide Exclusion
- D. Scope and Effect of Government-Wide Exclusion
- E. Government-Wide Transparency: The Exclusion List
- F. Limited Scope Exclusion Systems

Please feel free complete the survey by typing in your responses within this PDF or printing and completing the survey by hand. Please send your completed survey via email to [sdsurvey@worldbank.org](mailto:sdsurvey@worldbank.org) or via hardcopy mail to: Collin Swan, World Bank Office of Suspension and Debarment, 1818 H Street NW, Washington, DC 20433 USA.

We welcome any thoughts and comments you might have on this questionnaire. Please send your message to [sdsurvey@worldbank.org](mailto:sdsurvey@worldbank.org). Thank you for participating in our survey!

## **Glossary**

- ***Discretionary exclusion:*** refers to an exclusion that may be imposed at the discretion of the decision-maker, when one or more grounds for exclusion provided for in the legal framework have been established.
- ***Exclusion:*** refers to the exclusion of suppliers from competing for or receiving public procurement contracts, for reasons other than a failure to meet contract-specific qualification requirements. Synonyms for the term “exclusion” include: “suspension,” “debarment,” “disqualification,” “blacklisting” or a “register of unreliable suppliers,” among others, but there is no uniform name for such systems, nor is there a uniform model for implementation across jurisdictions. This questionnaire consistently uses the term “exclusion” for the purpose of conformity.
- ***Government-wide exclusion:*** refers to an exclusion of suppliers from competing for or receiving procurement contracts at the national (or federal) level, across all governmental agencies. As an illustration, assume there are two agencies of the national government, National Agency A and National Agency B. As a general rule, a government-wide exclusion mechanism would require that National Agency A adhere to any decision by National Agency B to exclude a supplier, and vice versa.
- ***Limited scope exclusion system:*** refers to exclusion mechanisms that provide exclusion only by a single government entity or on a contract-by-contract basis within the national government, or by a subnational authority at the provincial/state or local level.
- ***Legal framework:*** encompasses all public procurement laws and regulations, legal texts of general application, judicial decisions and administrative rulings setting a binding precedent in connection with public procurement and the exclusion of suppliers from public procurement at the national level.
- ***Mandatory exclusion:*** refers to an exclusion that must be imposed, without any discretion on the part of the decision-maker, when one or more grounds for exclusion provided for in the legal framework have been established (this is also sometimes referred to as “statutory” exclusion).
- ***Referral:*** is a formal recommendation or request to initiate an exclusion proceeding after receiving, investigating and/or verifying information about potential grounds for exclusion.

## **Introductory Questions**

Before you begin the questions, please consider providing a few demographic details. As a reminder, all of your responses will be held in strict confidentiality and will not be attributed directly to you or your organization in any published materials. Any contact information you provide will also be held in strict confidentiality, and we will not disclose your identity unless you wish to be acknowledged for your contribution.

1. **Country/Jurisdiction** – You are taking this survey for which country or jurisdiction?  
*(Please limit all of your responses on this survey to a single country or jurisdiction.)*

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2. What Sector Do You Work In?

- ☐ Academia
- ☐ Government
- ☐ Private Sector
- ☐ NGO/Non-Profit
- ☐ Other (please specify)

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3. **Company/Organization** – What is the name of your company or organization?

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4. **Acknowledgement** - Would you like us to acknowledge you as a contributor in any published materials?

- ☐ No
- ☐ Yes (please indicate how you would like to be addressed – *e.g.*, Mr. James Smith, Lead Counsel, ABC Corporation)

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5. May we contact you to follow up and/or discuss your responses to the survey?

- ☐ No
- ☐ Yes

6. If yes to Question 5, please provide your name and preferred method of contact so that we may follow up with you regarding your responses. Your contact information will be held in strict confidentiality:

First/Given Name: \_\_\_\_\_

Last/Family Name: \_\_\_\_\_

Mailing Address (if you prefer being contacted by mail): \_\_\_\_\_

\_\_\_\_\_

Email Address (if you prefer being contacted by email): \_\_\_\_\_

Phone Number (if you prefer being contacted by phone): \_\_\_\_\_

## A. Government-Wide Legal and Institutional Framework

1. Are there laws and regulations in your country or jurisdiction that provide for government-wide exclusion?

- ☐ No (if no, skip to Section F, beginning on page 29).  
☐ Yes

If yes, can you provide the titles of and/or citations to the relevant laws and regulations (e.g., Section 15 of the Public Procurement Act of 2015)?

2. What area of law serves as the primary foundation for the government-wide exclusion system?

- ☐ Criminal law  
☐ Civil/tort law  
☐ Administrative/regulatory law  
☐ Other

Please Specify:

3. Which of the following best describes the **decision-maker(s)** – i.e., the entity or entities responsible for determining whether a supplier will be excluded?

*(If marking more than one answer, please explain the interactions/duties of the different decision-makers in the comment box, below.)*

- ☐ **Centralized:** Decisions to exclude are made centrally – for example, there is a designated official or office that serves as a central decision-maker for government-wide exclusion on behalf of all entities and agencies of the national government.
- ☐ **Agency Level:** Decisions to exclude are made at the agency level – there is a designated official or office within each entity or agency of the national government that serves as a decision-maker for government-wide exclusion.
- ☐ **Individual Contracting Officer:** Decisions to exclude are made by individual contracting officers – any contracting officer or other official responsible for making or overseeing procurement awards can serve as a decision-maker for government-wide exclusion.
- ☐ **Judicial Authority:** Select this option if exclusions are either decided by a judicial authority or are automatic following a criminal conviction and/or civil judgment by a court of law.
- ☐ **Other decision-maker** not listed above (please specify in the comment box below).

Comments (please explain if selecting “Other” and/or more than one answer):

4. Does the legal framework require that the decision-maker be **functionally independent** from (*i.e.*, does not report to) higher-ranked officials responsible for procurement?

☐ No

☐ Yes

If yes, can you provide any specifics as to how the independence of the decision-maker is guaranteed?

5. Is there any requirement in the legal framework that the decision-maker have certain **educational or professional qualifications**?

☐ No

☐ Yes

If yes, what are they?

6. Relevant Laws and Regulations (Optional) – If you are able, please provide a copy of the relevant laws and regulations that provide for government-wide exclusion in your jurisdiction by attaching a copy to this survey or providing information on how to obtain a copy of the laws or regulations (*e.g.*, a website).

7. **End of Section A** – Please feel free to provide any additional comments related to Section A of this survey.

## B. Functioning and Enforcement of the Government-Wide Exclusion System

### 8. **Procedure** - Which type of procedure is applied to exclusion proceedings?

*(Please explain in the comment box if marking more than one answer.)*

- ☐ Criminal
- ☐ Administrative
- ☐ Civil
- ☐ Other

Comments (please explain if marking "Other" and/or more than one answer):

### 9. **Commencement of Proceedings** - Does the legal framework allow the decision-maker to initiate an exclusion proceeding without first receiving a referral from another party within the government, such as a contracting officer, investigative agency or prosecutor?

- ☐ **No**, the decision-maker cannot initiate an exclusion proceeding without a prior referral.
- ☐ **Yes**, the decision-maker can initiate an exclusion proceeding without a prior referral.

Comments (if any):

### 10. **Third-Party Complaints** - Are non-governmental parties (*e.g.*, contractors, suppliers, civil society organizations, and other private parties) able to submit complaints and/or evidence to the decision-maker?

- ☐ No
- ☐ Yes

Comments (if any):

### 11. **Notice of Proceedings** - Do suppliers receive notice of commencement of the procedure for their exclusion or potential exclusion?

- ☐ No
- ☐ Yes

Comments (if any):

**12. Notice of Proceedings (cont.)** - When must that notice be given? (Mark all that apply)

- ☐ When the decision-maker becomes aware of potential grounds for exclusion
- ☐ When an investigation into the underlying grounds is commenced
- ☐ When the decision-maker decides that grounds exist
- ☐ When the exclusion becomes effective
- ☐ Other (Please specify):

**13. Notice of Proceedings (cont.)** - Is the notice required to contain information about the grounds for exclusion?

- ☐ No
- ☐ Yes

Comments (if any):

**14. Time Period for Decision** - Does the legal framework provide for a time period within which the decision-maker must make a final determination as to whether or not to exclude a supplier?

- ☐ No
- ☐ Yes

If yes, please indicate the relevant time period, including the period's starting point (*e.g.*, 90 days, starting when the decision-maker becomes aware of potential grounds) and whether the time period is usually respected in practice.

**15. Opportunity to be Heard** - Is a supplier entitled to any opportunity to present its defense to the decision-maker or otherwise contest the exclusion prior to an exclusion going into effect?

- ☐ No
- ☐ Yes

Comments (if any):



16. **Opportunity to be Heard (cont.)** – As part of its defense, may the supplier do any of the following? (Mark all that apply)

- ☐ Obtain the evidentiary record
- ☐ Make a written submission to the decision-maker
- ☐ Request an in-person hearing with the decision-maker
- ☐ Call witnesses to an in-person hearing to testify on the supplier's behalf

Please provide any other information regarding the nature of the supplier's opportunity to present its defense, including any relevant procedures and deadlines.

17. **Provisional Exclusion** - Does the legal framework provide for any form of provisional exclusion (e.g., a temporary suspension) during an investigation or exclusion proceeding?

- ☐ No
- ☐ Yes

If yes, please describe:

18. **Decision-Maker's Reasoning** - If a supplier is excluded, must the decision-maker make available the reasoning for the exclusion to the supplier and/or the public?

- ☐ No
- ☐ Yes, to the supplier only
- ☐ Yes, to the public

Comments (if any):

19. **Appeals** - May a supplier seek an appeal or subsequent review of the decision-maker's decision to exclude?

- ☐ No
- ☐ Yes

Comments (if any):

20. **Appeals (cont.)** - What is the nature of the forum for that subsequent review?

- ☐ Administrative process (e.g., at a higher level within exclusion decision-making body and/or before a separate agency)
- ☐ Judicial process
- ☐ Judicial process, after exhaustion of administrative process
- ☐ Other (Please specify):

21. **Appeals (cont.)** - May the supplier do any of the following in respect of the subsequent review? (Mark all that apply)

- ☐ Obtain the evidentiary record
- ☐ Make a written submission to the decision-maker
- ☐ Request an in-person hearing with the decision-maker

Comments (if any):

22. **Appeals (cont.)** - On average, how long is the process for a subsequent review, if it exists, from the time that the supplier files its appeal to the final decision?

- ☐ Less than one month
- ☐ One to six months
- ☐ Six months to one year
- ☐ One to two years
- ☐ Greater than two years
- ☐ Other (Please specify):

23. **Subsequent Modification** - Is a supplier entitled to any opportunity to seek a modification or early termination of the exclusion after it goes into effect?

- ☐ No
- ☐ Yes

If yes, what is the nature of that opportunity and what is the nature of the forum (e.g., judicial, administrative, etc.)?

24. **Legal Counsel** - Is a supplier permitted to be represented by legal counsel during the exclusion proceeding?

- ☐ No, as supplier is not permitted to be represented by counsel
- ☐ Yes, a supplier may be represented by counsel, but representation is at the supplier's expense
- ☐ Yes, a supplier must always be represented by counsel and is provided counsel if it cannot afford one

Comments (if any):

25. **End of Section B** – Please feel free to provide any additional comments to Section B of this survey.

### C. Substantive Grounds for Government-Wide Exclusion

26. In the **left-hand column** of the table below, please **mark the box(es) next to all of the grounds** that are specified in the legal framework and that, if established, may result in the exclusion of the supplier.<sup>1</sup>

Then, for **each of the grounds marked in the left-hand column**, please indicate how that ground must be established (*e.g.*, criminal conviction, civil judgment, finding by decision-maker, etc.) and whether it leads to a “mandatory” or “discretionary” exclusion. If a ground can lead to either mandatory or discretionary exclusion, depending on how it is established, please mark all boxes that apply.

Grounds for Exclusion	Mandatory or Discretionary / How Established
<i>Mark below all possible grounds for exclusion</i>	<i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i>
<input type="checkbox"/> <b>Corruption</b> ( <i>e.g.</i> , bribery, kickbacks or gratuities, or offers or attempts to provide the same)	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>

<sup>1</sup> Please note that the examples given for each of the grounds listed in the left-hand column are intended to serve as non-exhaustive illustrations of the listed grounds, and not as precise legal definitions, since the legal wording of a given offense often differs from country to country.

Grounds for Exclusion	Mandatory or Discretionary / How Established
<i>Mark below all possible grounds for exclusion</i>	<i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i>
<input type="checkbox"/> <b>Fraud</b> (e.g., making false statements, forgery or fraudulent billing)	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>
<input type="checkbox"/> <b>Collusion and/or Infringing Competition</b> (e.g., price fixing, bid rigging, market division)	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>

Grounds for Exclusion	Mandatory or Discretionary / How Established
<i>Mark below all possible grounds for exclusion</i>	<i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i>
<input type="checkbox"/> <b>Coercion or Intimidation</b> (e.g., threatening to harm a competitor)	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>
<input type="checkbox"/> <b>Obstruction of an Investigation</b> (e.g., destroying or concealing evidence, making false statements to investigators)	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>

Grounds for Exclusion	Mandatory or Discretionary / How Established
<i>Mark below all possible grounds for exclusion</i>	<i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i>
<input type="checkbox"/> <b>Theft or Embezzlement</b>	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>
<input type="checkbox"/> <b>Money Laundering</b>	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>

Grounds for Exclusion	Mandatory or Discretionary / How Established
<p><i>Mark below all possible grounds for exclusion</i></p>	<p><i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i></p>
<p><input type="checkbox"/> <b>Tax-related Offenses</b> (e.g., tax evasion or violation of tax laws)</p>	<p><input type="checkbox"/> <b>Mandatory</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <p><input type="checkbox"/> <b>Discretionary</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>
<p><input type="checkbox"/> <b>Labor-related Violations</b> (e.g., fair pay or minimum wage laws, child labor)</p>	<p><input type="checkbox"/> <b>Mandatory</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <p><input type="checkbox"/> <b>Discretionary</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>



Grounds for Exclusion	Mandatory or Discretionary / How Established
<p><i>Mark below all possible grounds for exclusion</i></p>	<p><i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i></p>
<p><input type="checkbox"/> <b>Social Harms</b> (e.g., human trafficking, environmental offenses)</p>	<p><input type="checkbox"/> <b>Mandatory</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <p><input type="checkbox"/> <b>Discretionary</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>
<p><input type="checkbox"/> <b>Terrorist Offenses or Offenses Linked to Terrorism</b> (e.g., funding terrorist activity)</p>	<p><input type="checkbox"/> <b>Mandatory</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <p><input type="checkbox"/> <b>Discretionary</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>

Grounds for Exclusion	Mandatory or Discretionary / How Established
<i>Mark below all possible grounds for exclusion</i>	<i>For each applicable ground, indicate whether mandatory or discretionary, or both. Then, indicate how each mandatory or discretionary ground must be established.</i>
<input type="checkbox"/> <b>Commercial Regulatory Violations</b> (e.g., national preferences or export controls, economic sanctions)	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>
<input type="checkbox"/> <b>Poor Performance, Non-Performance, and/or Failure to Perform on Public Contracts</b>	<input type="checkbox"/> <b>Mandatory</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul> <input type="checkbox"/> <b>Discretionary</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conviction by final criminal judgment</li> <li><input type="checkbox"/> Final civil or administrative judgment</li> <li><input type="checkbox"/> Finding by the exclusion decision-maker</li> <li><input type="checkbox"/> Other (please explain below):</li> </ul>

**27. Bankruptcy and Cross-Debarment as Grounds for Exclusion** – Please indicate whether the grounds listed below result in a mandatory or discretionary exclusion.

	Mandatory	Discretionary
Bankruptcy or Insolvency	<input type="checkbox"/>	<input type="checkbox"/>
Exclusion by Another Jurisdiction or International Organization (i.e., “cross-debarment”)	<input type="checkbox"/>	<input type="checkbox"/>

Comments (if any):

**28. Additional Grounds for Exclusion** - Please list below any additional grounds for exclusion specified in the legal framework (including, but not limited to, a “catch-all” provision or generic grounds such as grave professional misconduct or a lack of present responsibility). Please also indicate whether each ground results in a “mandatory” and/or “discretionary” exclusion and how each ground must be established.

Additional Ground #1 \_\_\_\_\_

Additional Ground #2 \_\_\_\_\_

Additional Ground #3 \_\_\_\_\_

Additional Ground #4 \_\_\_\_\_

29. **Discretionary Exclusion** - When one or more of the grounds for discretionary exclusion are established, under what circumstances may the decision-maker **decide not to exclude** a supplier? (Mark all that apply.)

- ☐ **Remedial Measures** - The decision-maker determines that the supplier has taken sufficient remedial measures to address prior acts or has otherwise demonstrated that it would not, in its current condition, pose a risk to the government (*e.g.*, has the supplier “self-cleaned” or is “presently responsible”?).
- ☐ **Settlement/Agreement** - The decision-maker and the supplier enter into an agreement or settlement with specific conditions under which the supplier will avoid exclusion, so long as the supplier fulfills those condition to the decision-maker’s satisfaction.
- ☐ **Government Interest** - The decision-maker determines that excluding the supplier would not be in the government’s best interests.
- ☐ **Other Sanction** - The decision-maker determines that a sanction other than exclusion is more appropriate (*e.g.*, a public or private reprimand, or a conditional non-exclusion).
- ☐ Other (Please specify):

30. **End of Section C** – Please feel free to provide any additional comments related to Section C of this survey.

#### **D. Scope and Effect of Government-Wide Exclusion**

31. **Effect on Ongoing Contracts** - If a supplier is excluded, are all current, ongoing contracts with that supplier automatically cancelled/terminated?

☐ No

☐ Yes

Comments (if any):

32. **Subsequent Modifications** - Are subsequent modifications (*e.g.*, material amendments increasing scope and/or price) to current, ongoing contracts with that supplier permitted?

☐ No

☐ Yes

Comments (if any):

33. **Subcontracting** - If a supplier is excluded, does the exclusion also prevent the supplier from acting as a subcontractor?

☐ No

☐ Yes

Comments (if any):

34. **Affiliates** - If the excluded supplier is a company, can or must that exclusion apply to affiliated companies? (Companies are affiliated if one controls or has the power to control the other, or a third party controls or has the power to control both companies.)

☐ No

☐ Yes, the exclusion **can** apply to affiliated companies

☐ Yes, the exclusion **must** apply to affiliated companies

Comments (if any):

**35. Affiliates (cont.)** - Please indicate whether the exclusion can or must apply to the following affiliates:

	Exclusion <b>can</b> extend	Exclusion <b>must</b> extend	Not Applicable (exclusion does not extend)
Any company that the supplier controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any company that controls the supplier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any company under common control with the supplier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (if any):

**36. Affiliates (cont.)** – Must the affiliated companies affected be given the opportunity to contest the action?

☐ No

☐ Yes

Comments (if any):

**37. Tailoring the Exclusion** - If the excluded supplier is a company, can or must that exclusion be limited to certain divisions, operating units or business lines within the company?

☐ No

☐ Yes, the exclusion **can** be limited to certain divisions, operating units or business lines within the company, if the decision-maker so decides

☐ Yes, the exclusion **must** be limited to certain divisions, operating units or business lines within the company

Comments (if any):

**38. Extension to Individuals** - If the excluded supplier is a company, can or must the exclusion extend to individual persons (e.g., management or executive officers) within or affiliated with the company?

☐ No

☐ Yes, the exclusion **can** extend to at least certain individual persons within or affiliated with the company

☐ Yes, the exclusion **must** extend to at least individual persons within or affiliated with the company

Comments (if any):

**39. Extension to Individuals (cont.)** – Please indicate whether the exclusion can or must extend to the following individuals of the excluded supplier:

	Exclusion <b>can</b> extend	Exclusion <b>must</b> extend	Not Applicable (exclusion does not extend)
Individuals that own or control the supplier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Executive Officers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Managers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments (if any):

**40. Extension to Individuals (cont.)** – Must the affiliated individuals be given the opportunity to contest the action?

☐ No

☐ Yes

Comments (if any):

**41. Affiliates of Individuals Respondents** – If the excluded supplier is an individual, can or must that exclusion extend to companies controlled by that individual?

☐ No

☐ Yes, the exclusion **can** extend to companies controlled by that individual

☐ Yes, the exclusion **must** extend to companies controlled by that individual

Comments (if any):

**42. Duration of Exclusion** – Does the legal framework specify that exclusions shall be for a defined duration (e.g., a period of three years)?

☐ No, the legal framework does not specify a duration for exclusions

☐ Yes, the legal framework specifies that exclusions are generally **not longer than one year**

☐ Yes, the legal framework specifies that exclusions are generally **between one and five years**

☐ Yes, the legal framework specifies that exclusions are generally **longer than five years**

Comments (e.g., if you can, provide a specific duration and/or describe how the duration is determined if not addressed in the legal framework):

43. **Duration of Exclusion (cont.)** - Does the duration of an exclusion differ depending on the grounds for exclusion?

- ☐ No  
☐ Yes

If yes, and you are able, please identify the duration for each ground or set of grounds.

44. **Duration of Exclusion (cont.)** - Does the decision-maker have discretion to deviate from the duration(s) specified in the legal framework?

- ☐ No  
☐ Yes

Please describe the circumstances in which such a deviation is permitted.

45. **Exceptions/Waivers** - If a supplier is excluded, is there any legal mechanism whereby a contract might still be awarded to that supplier during the period of exclusion (*e.g.*, derogation in the public interest, exception for emergency situations, waiver by a high ranked government official)?

- ☐ No  
☐ Yes

Comments (if any):

46. **Extension to Subnational Procurements** - If a supplier is excluded at the national (or federal) level, is the supplier automatically excluded from participating in procurements at the subnational level (*e.g.*, state, provincial, municipal, etc.)?

- ☐ No  
☐ Yes

Comments (if any):



47. **International Cross-Debarment** - If a supplier is excluded, are you aware of any other country or international organization that will automatically exclude the supplier from participating in that country's or organization's public procurement?

☐ No

☐ Yes

Please indicate the countries or organizations that "cross-debar."

48. **End of Section D** – Please feel free to provide any additional comments related to Section D of this survey.

## E. Government-Wide Transparency: The Exclusion List

49. **Exclusion List** - Is there an official list of excluded suppliers?

- ☐ No
- ☐ Yes, and it is publicly available
- ☐ Yes, but it is **not** publicly available

If the list is publicly available, please indicate where it can be found:

50. **Exclusion List (cont.)** - If a public list exists, does it provide information regarding the grounds for each of listed exclusions?

- ☐ No
- ☐ Yes

Comments (if any):

51. **Procurement Checks** - Does the legal framework require that procuring entities check a list of excluded suppliers (whether or not that list is official and/or public) before awarding a contract?

- ☐ No
- ☐ Yes

Comments (if any):

52. **Number of Exclusions** - If known, how many exclusions took place in each of the last three years? (If a figure is known, please mark the source of the information and provide the figure(s) in the comment box.)

- ☐ Figures **not** known
- ☐ Figures known through public report(s) issued by national government
- ☐ Figures known through third-party research
- ☐ Figures known through other means (please specify below)

If figures are known, please state them here:

53. **Regular Reporting** - Does the legal framework require regular reporting on the exclusion of suppliers pursuant to the government-wide exclusion mechanism?

- ☐ No
- ☐ Yes, and these reports are publicly available
- ☐ Yes, but these reports are ***not*** publicly available

If yes, who is responsible for such reporting? (e.g., an identified body to report on all agencies, or identified personnel within specific agencies)

54. **Other Transparency Mechanisms** – Is there any other mechanism whereby the public may learn about the number of exclusion actions proposed and/or actually taken?

- ☐ No
- ☐ Yes

Please identify the mechanism.

55. **End of Section E** – Please feel free to provide any additional comments related to Section E of this survey.

## F. Limited Scope Exclusion Systems

56. **Entity-Wide Exclusion** - Does a legal mechanism exist whereby a supplier can be excluded from competing for or receiving all of the procurement contracts awarded **by a single entity or agency within the national government?** (i.e., the exclusion applies only to procurement by that entity only and does not bind other government entities.)

☐ No

☐ Yes

If yes, are there any standardized procedures in place that govern each entity's exclusion decisions?

57. **Contract-By-Contract Exclusion** - Does a legal mechanism exist whereby a supplier can be excluded from competing for or receiving procurement contracts **on a contract-by-contract basis?** (i.e., the exclusion applies only to a single tender process)

☐ No

☐ Yes

Comments (if any):

58. **Subnational Exclusion** - Do any legal mechanisms for exclusion exist at **levels of government other than the national level?** (Mark all that apply)

☐ Provincial/State

☐ Municipal/Local

☐ None

☐ Other (Please specify):

59. **Substantial Exclusion (cont.)** - If a subnational exclusion system exists, is a decision taken by one subnational body recognized by other subnational bodies?

☐ Yes, by all other provinces/states/municipal levels

☐ Yes, by other selected provinces/states/municipal levels

☐ No, it does not extend to any other provinces/states/municipal levels.

☐ Not Applicable (no subnational exclusions)

Comments (if any):

60. **Non-Exclusion Remedies** - Does the legal framework provide for any other remedies (e.g., termination of one or more contracts by the decision-maker) or mechanisms besides exclusion (such as contractor registrations or authorizations related to the contractor's integrity) that are designed to protect against misconduct?

☐ No

☐ Yes

Please specify:

61. **End of Section F** – Please feel free to provide any additional comments related to Section F of this survey.

**End of Survey!**

Thank you so much for taking the time to complete our survey. We greatly appreciate all the information you have provided.