นามามา. 2012 การ 2012



# **The Debarment Rules 2013**

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## ଦ୍ୟିନ୍ତର ଅ ହିଁଶ ଅହିଁମା

ธ.นี้มานการชาติสุ

#### The Debarment Rules 2013

In exercise of the powers conferred by Section 40(3) of the Anti-Corruption Act of Bhutan 2011, the Anti-Corruption Commission hereby frames and adopts the Debarment Rules 2013 as follows:

#### CHAPTER I: PRELIMINARY

#### 1. Title, Extent and Commencement

These Rules:

- (a) may be cited as the Debarment Rules 2013;
- (b) shall come into force with effect from such date as announced by the Commission by an order; and
- (c) shall apply to:
  - (i) all proceedings for which a notice is issued by the Evaluation Panel on or after the effective date;
  - (ii) any settlement in respect of which a request for a stay or a settlement agreement is submitted to the Evaluation Panel on or after the effective date;
  - (iii) any decision in respect of compliance by a sanctioned party with conditions for release from debarment or non-debarment taken on or after the effective date; and
  - (iv) any decision taken in respect of the application of sanctions to affiliates or successors and assigns on or after the effective date.

#### 2. Cases Covered by These Rules

These Rules set out the Procedures to be followed by the Debarment Committee, the Commission, the Central Agency, Public Agency, the Evaluation Panel, the Competent Authority, parties accused of engaging in causes for debarment or sanctionable practices and other interested parties involving causes for debarment or sanctionable practices:

- में र्ने व त्येव घटया
- ਬર્ચ્ચ દેવ્યું ગોય કે સ્વરૂચ સ્ટે કે દેવ્યું સુવર્ગ્ય કે દેવું દ

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- (1) จอละพิทานริที่พ. เอารากาญพัรเรราสิรรร สิ่งสราสารถูญญณฑ สรานส์เทศรรสิ พร

- (a) in connection with public financed or public executed projects and programs whether or not governed by the Rules; and
- (b) arising from violations of Rule 88 of these Rules.

#### 3. Principal Purpose

These Rules implement Section 40 of the Act by:

- (a) stating the manner in which a Committee, the Evaluation Panel, the Competent Authority and the Committee Secretariat should be established, constituted, composed and chaired, including their rules of procedures;
- (b) prescribing the way in which the complaints should be managed and investigated;
- (c) stating the causes for debarment or sanctionable practices and effects, period, scope and extension of suspension and/or debarment;
- (d) requiring the Committee, the Commission, the Central Agency, the Public Agency, the Evaluation Panel, and the Competent Authority to follow or guaranteeing the parties involved a minimum due process or procedural fairness;
- (e) describing the manner in which suspension and/or debarment proceedings should be conducted and decided;
- (f) explaining the way in which the standard and burden of proof should be met and the consequences of suspension and/or debarment;
- (g) creating the suspension and/or debarment registration system and the manner of its administration, the contents of such register, the period for which the information in the register must be maintained, and public access thereto; and
- (h) offering such other guidance as may be necessary for the effective implementation of these Rules.

#### 4. Rules of Construction

4.1 Unless the context otherwise requires, any term used in these Rules in the singular includes the plural, and the plural includes the singular.

- વરુવઃખેષા વર્તા વત્તમાં ત્રાખેતુ માર્યતે સું રેશ તૃત્ત્વદ્વેભા તેથી ૫.૫ શ્રે અત્પ્યયા સ્ટ્રે રહું ગ્રીયા વરુવઃખેષા વર્તા વત્ત્વત્ત્વર્ગા ત્રાંગ્વત્ય વ્યવતા સ્ટે વ્યવતા સંગ્રે વ્યત્ વસ્ટ્રુર વર્ગીત સાં ખતવા સેંતુ સું ગઢવા વ્યાપા ત્રાપા સ્ટેન્ડ તેથી ત્યાપા સ્ટેન્ડ તેથી સાથ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન દેશ વર્ચ સ્ટેન્ડ વ્યત્ર સેંતુ ચાલ વ્ય સેંતુ ચાલ સ્ટેન્ડ સ્ટેન્સ્સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્સ્સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્સ્સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્સ્ટેન્ડ સ્ટેન્સ્ટેન્સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્સ્ટેન્ડ સ્ટેન્ડ સ્ટેન્સ્ટેન્સ્ટેન્સ્ટે

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- 4.2 The headings of chapters, rules and sub-rules of these Rules are for ease of reference only and do not constitute interpretations of the text thereof.
- 4.3 Unless a term used in these Rules is defined in Section (90), that term shall bear the same meaning with the Act.

#### 5. Policy

- 5.1 In order to ensure the effective and efficient administration of and maintain the integrity of the public procurement activities and non-procurement transactions, it is the policy of the Government to conduct business legally and only with responsible persons.
- 5.2 Debarment and suspension taken in accordance with these Rules are appropriate means to implement this policy.
- 5.3 Debarment and suspension are serious actions which shall be used only in the public interest and for the Government's protection.
- 5.4 Debarment and suspension may be imposed only for the causes and in accordance with the procedures set forth in these Rules.
- 5.5 Public agencies may debar, suspend and/or exclude a bidder or respondent if it is so provided in the contract without any investigation as envisaged in these Rules.

ઞરુવઃખેષા'વર્દ્દવં વર્દ્યાશ્વબા'ક્ષેસ્ટ' વિવસ'સે' સંસ્થરસાય ક્યુંન' અદ'વુ' સાથે' ક્યુંન'શ્રેવ'મવે'ર્સ્યુદ્દે'વેદ્દવં વર્દ્યાભા' યોર્ફે યાત્રા વ્યવ્યદ્દે તે બાર્ચા સ્થુંન' અદ'વૃ' આવે' સે રહું 'ક્ષેવ્રા

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- (E) สิ์ฉสะสั่า ๆพี่รัฐณรุร/พราสา รสาษฐรานูรสุสาธิสาธิสาธิสาสสาทณาพีรามุ
  (3) สิ์ฉสะสั่าที่สา ริ่าสา ณสาทพัทรัฐสาธิรรรทุริกาณรา ฉุญสาวะฮิสาสราทิ
- ୴୵୕୶୕ୣ୵ୠୄ୕ୣ୶୲ୄଈୢୄୣ୷୲୴୳ୖୄୖୄୖୖ୴ୖୖଢ଼୶୶ୄୖ୕ୄୡ୕୕୵୵୕୳ୖଢ଼୴ୖୖୄୖୠ୕ୖୖୖ୴୴୴୵୳୵ୖଢ଼୕୵୵୕୕୕ୗଵୡୖ ୳୵୵ୖୣ୳୴ୖ୴ୣଽଈୄୖୡ୕୲୶୲୳୵୳ୖଽ୷୳୳୵ୢୖୣୣୣ୵୳୳ୡୄୖ୲୳୵ୡ୲ୣୄୢୠୣୣୣୣ୷ୣ୶ୣୄୖ୴୷ୣୖୄ୴୷ୄୖ
- ଞ୍ଚୁମ୍ୟ'ସ୍ଟିସ୍'ଗ୍ମ'ସ୍ମ'ସ୍' (୮) ସିସେଣ'ର୍ଥି' ଅପ୍ଟିସ୍'ସ୍ଟିସ୍ୟ'ସ୍ଟିସ୍ୟ'ନ୍ସିସ୍ୟ'ନ୍ସିସ୍'କ୍ୟ'ନ୍ଥି' ଅମ୍ଟ୍ର ଅଟ୍ଟିସ୍'ସ୍ଟ୍ୟୁ'ନ୍ସ୍'ସ୍ଟ୍ୟୁ'ନ୍ସିସ୍ୟ'ନ୍ତି
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ন্দি ধ শ न्गागळवेज्ञुजेव पन्व केमछर्वेमम्वेष्ठम

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#### CHAPTER II CAUSES OR SANCTIONABLE PRACTICES

#### 6. Exclusion of Bidders

- 6.1 Public agencies shall exclude a bidder or respondent from participation in public procurements or non-procurement transactions in accordance with these Rules on any one of the following grounds:
  - (a) he or she is insolvent or is in receivership or is bankrupt or is in the process of being wound up; or have entered into an arrangement with creditors;
  - (b) his or her affairs are being administered by a court, judicial officer or by an appointed liquidator;
  - (c) he or she has suspended business; or is in any analogous situation arising from similar procedures under the laws and regulations of the country of establishment;
  - (d) he or she has been found engaged in professional misconduct by a recognised tribunal or professional body;
  - (e) he or she has not fulfilled obligations with regard to the payment of taxes or other payments due in accordance with the laws of the country in which he or she is established or of the Kingdom of Bhutan;
  - (f) he or she is or has been guilty of serious misrepresentation in supplying information required for any prior registration with the Competent Authority;
  - (g) he or she has been convicted of fraud and/or corruption;
  - (h) he or she has not fulfilled his or her contractual obligations with the employer in the past; or
  - (i) he or she is debarred from participation in public procurements or non-procurement transactions under these Rules.

- พี่ศิลารารา พราสา
- (4) ริสาที่รา พราสา ภัพาสอรา ราณพา สราณารา พราสา สรีมารารัฐานทัศา สิ'ณูาสราณาาณัฐานสิ' รัฐราสธุทารรานสิ' นอสาติมมาราณมาติมมา ราณมา นอสาพิท พราสา รัฐกามาติทารรรานมาสทุณารา พราสา ติมมาสทุณาซิาภารมาศัยงานราวา
- ର୍ମ୍ ଅସୟ ୩୦୫୬ ସେମ୍ବର୍ମ (୧) ଈୖଂଉଟ ଭଦର କ୍ଷିମ୍ପ ଅନ୍ତର ଆହି କ୍ଷୁସ ଅଣ୍ଟ ଅନ୍ତର୍ମ ଭିନ୍ନ ଭଦରେ କରି ଅଞ୍ଚିଟ୍ୟାନ୍ତି କ୍ଷୁସ ସହିର ଅନ୍ତର ଆହି କ୍ଷୁସ ଅଣ୍ଟ ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର କରି କରି ଅଣ୍ଟିମ୍ବ ଅଞ୍ଚିଟ୍ୟାନ୍ତି କ୍ଷୁସ ସହିର ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ ଅଣ୍ଟିମ୍ବ ଅଭ୍ୟର୍ମ ଅନ୍ତର୍ମ ଭଦରେ ସେସ ସିଂସ୍ୱାସର୍ସ ଅନ୍ତର୍ମ କରିବା ସେମ୍ବର୍ମ ଅଣ୍ଟିମ୍ବ ଅଭ୍ୟର୍ମ ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରି ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରି ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ମ କରିବା ଅନ୍ତର୍ଗ୍ୟ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍କ୍ୟ ଅନ୍ତର୍କ୍ୟ ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ୍ତ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍କ୍ୟ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍କ୍ୟ ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍ ଅଣ୍ଡିମ୍ବ ଅନ୍ତର୍କ୍ତ ଅନ୍ତର୍ଭ୍ୟ ଅନ୍ତର୍କ୍ତ ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ୍ତ କରି ଅନ୍ତର୍କ୍ତ କରି ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ୍ତ କରି ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ୍ତ କରୁ ଅନ୍ତର୍କ୍ତ କରି ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ୍ତ ଅନ୍ତର୍କ୍ତ କରିବା ଅନ୍ତର୍କ୍ତ କରୁ ଅନ୍ତର୍କ୍ତ କର
- ଧ୍ୟର୍ଶ୍ୱମ୍ୟଂଅି' କ୍ଷ୍ମୁମ୍ଦ୍ୟର୍ବିଧ୍ୟ' ମିଦ୍ୟଧ୍ୟ' ଯାଦପସ୍ଦ୍ରା' ଭମ୍ପଟ' ଶ୍ୱମ୍ଦ୍ୟୁକ୍ଧି'ଯାଦପସ୍ଟା' ଭମ ଗ' ଦମ୍ବିଧ୍ୟର୍ଶ୍ପମ୍ୟୁଙ୍କୁ କ୍ଷ୍ମୁମ୍ବ୍ୟର୍ବିଧ୍ୟା ଦହିମ୍ଭସ୍ୟ ଅସ୍ୟୁଦ୍ୟୁର୍ବି (ଭ୍ୟୁସ୍କସ୍ୟାସ୍କିୟ) ସମ୍ବ୍ୟୁତ୍ୟୁତ୍ୟୁତ୍ୟୁ କ୍ଷ୍ମୁମ୍ବୁ କ୍ଷ୍ମୁମ୍ବୁ (ଅରୁମ୍ବୁ (ସ୍ଥ୍ୟୁର୍ବ୍ୟାର୍ଥ୍ୟୁର୍ବ୍ୟାର୍ଥ୍ୟ) ଭ୍ୟୁତ୍ସମ୍ବର୍ଧ୍ୟାତ୍ମିସ୍ଥା ସେମ୍ବ୍ୟୁ (୧) କିଂଭମ୍ଭ ଭମ୍ପର୍ବ କ୍ଷ୍ମୁମ୍ବୁ ଭୂମ୍ୟରୁ ଭମ୍ପର୍ବ କ୍ଷ୍ମୁମ୍ବର୍ଭ୍ୟୁ (ସମ୍ବର୍ କ୍ୟୁର୍ବ
- $\eta$ નુશ્ન' વર્ષે નું છું નું તું પું ' કેંનુ ગ્રુપા ગર્જુ ગુન્ચર્ક વું લે અન્ન ' બન્'ત્ર' ' લે ' કેંનુ ' છું વલુ તં દેનુ ' દેવ' ગુ ભન્ન ' નું પ્રત્ય ' બાં' ગુન્ટ તે ' નું નું ગુન્ચ ' બન્યું તે પ્રત્ય નું ગુન્ચ ' બન્યું નું ગુન્ચ ' બન્યું નું ગુન્ચ ' બન્યું નું ગુન્ચ ' બન્યું નું ગુન્ચ ' બન્યું નું ગુન્ચ ' બન્યું ' બન્યું નું ગુન્ચ ' બન્યું ' બન્યું નું ગુન્ચ ' બન્યું નું ' બન્યું નું ' બન્યું નું ગુન્ચ ' બન્યું નું ' ગુન્ચ ' નું નું ' નું નું ગુન્ચ ' નું નું ગુન્ચ ' નું નું ગુન્ચ ' નું નું ગુન
- ມວດ ພິຫາ ເຊິ່າຊະ ອີສ່າອ ເຊັນ ພາລີ ຫຼື ຫຼື ລາກ ເລັ້າ ເຊັ່າ ເຊັ່າ
- **ઞ્યાયા અવેજ્ઞુ 'મુંત્ર' અન્ડવ' બ્રેશ્વ છાર્વેશ્વ મવે છુ ગ** ન્યાયા અવે ર્ક્ષેયા અરુન્ડ્રન્ડ/બન્ડવ' ત્રું લેવ ગૉશ્વ કેંયા સંચાય ત્વન્ડ્સુશ્વ સ્વરંગ્વ પ્રવેડ્ડ્રિન્ડ્સ્ટ્રેસ વરુવ ખેવા વર્ત્ત સ્વરંગ્સ છે જે છું વેસ સ્વવે ક્રું મુંત્રે વા વર્ત્ડ્રન્સુ પ્રત્ને સંત્ર ક્રો સ્વરંગ સ્વેન્સ સંચાયા દુન્દ્વેડ્ડ્રન્ડ
- ૯.૨ ષૈશ્વશ્વ અત્તર ગાલુત્તગા જ્ઞેગવા ગાલે સું ભુપ્ય દેવું ગાય શ્વેત્ત પ્રાથ્વ ગાય શ્વે સ્વાય શુધ્ધ પ્રાથય છે. સં સ્વાય સું સ્વાય સુધ્ય પ્રાય્ય સું સ્વાય સુધ્ય સુધ્ય સુધ્ય અત્ય સું સ્વાય સુધ્ય સુધ્ય સુધ્ય અત્ય સું સ્વાય સુધ્ય સુધ્ય સુધ્ય અત્ય સું સ્વાય સુધ્ય સુધ્

6.2 A firm shall be excluded if, as a matter of law or official regulation, Bhutan prohibits commercial relations with the country in which the firm is constituted, incorporated or registered.

#### 7. Causes or Sanctionable Practices

The Committee, the Evaluation Panel and/or the Competent Authority may suspend, debar or sanction a respondent for any of the causes cited in these Rules.

#### 7.1 **Conviction or Civil Judgment**

The Respondent may be suspended, debarred for conviction of, or civil judgment for:

- commission or attempted commission of a criminal offense in connection with obtaining or attempting to obtain a contract or subcontract or modification thereof, whether public or private; or non-procurement transactions or modification thereof;
- (ii) commission or attempted commission of a criminal offense in connection with performing a contract or subcontract or modification thereof, whether public or private; or nonprocurement transactions or modification thereof;
- (iii) Violation or attempted violation of any other applicable laws, bye-laws, rules or regulations relating to the submission of bids, proposals, offers, or claims;
- (iv) Commission or attempted commission of causes for debarment or sanctionable practices as defined in these Rules in connection with obtaining or attempting to obtain a contract or subcontract or modification thereof, whether public or private, or non-procurement transactions or modification thereof; or

दुन्वन्। (३) देव र्योन्चर्गेन न्वॉग्यदेखु मान्नुमः देव म्झूम्पीया क पर्छ याया से रहे खिवा

ોવેંત્રઅંચેં અવ્રત્રાવર્હેબાઝ્ઠ શે ત્રેન્વસૂત્રપ્ય છેઠ્યા પ્રાથમાં ત્રે દેશ ખેઠ્યા છે ત્યાં પ્રાથમાં છે.

- ସମ୍ମିମ୍ୟନ୍ଦିର୍ହି'ମ୍ପିସ୍ଟ୍ ସର୍ଟ୍ ସ୍ଟ୍ରେଲ୍ଗ୍ରମ୍ବ୍ୟାଅି'୍ସ୍'ସ'ସ୍ସ୍'ର୍ସ୍'ର୍ମ୍ବ (४) ହିଁ୍ଣ୍ଣ ଅଧ୍ୟ ମ୍ମ୍ୟିୟନ୍ଦି ଜ୍ରମ୍ ଜିଷ୍ୟ ଅନ୍ୟ ଅନ୍ମେର୍ଥ୍ୟ ଅନ୍ସ ଅନ୍ଥି ସିଥ୍ୟ ଅନ୍ୟ ଅନ୍ୟ
- ( $\jmath$ ) ສິ່ງ ສົ່ງ ເຊິ່ງ ເຊິ່ງ

<u>୬.</u>୧ ବର୍ଞିକଂକ୍ଷିଷୟଂ ୴ମ୍ଦ୍ର ଜି:ହିଁର୍ମ୍ୟିଂସ୍କୁକୁହିର୍ଟ୍ ଅଂସ୍କୁସ୍ପୁର୍ଦ୍ୟାନ୍ୟୁକ୍ୟା

(P1)

 (v) Commission or attempted commission of any other offense, or engaging in or attempting to engage in conduct indicating a lack of business integrity, truthfulness, veracity, or honesty that seriously affects the responsibility of the respondent.

#### 7.2 Without Conviction or Civil Judgment

In the absence of convictions or civil judgments, when the respondent:

- (a) submits or attempting to submit, directly or indirectly, any document that is known, or should be known, by such respondent to be false, deceptive, or fraudulent; or to contain false information in connection with:
  - (i) an application for registration, reclassification, or requests for admission to the register of bidders;
  - (ii) a prequalification proceedings, at any stage;
  - (iii) submission of a bid in response to an invitation;
- (b) fails to sign the contract for which he or she is a successful bidder within the time prescribed in the letter of acceptance and/or furnish the performance security within the prescribe time by a bidder if a bid security is not successfully forfeited or encashed;
- (c) fails to pay, in addition to the forfeiture or encashment of bid security, the positive difference of sum, if any, with the next lowest evaluated bidder within a specified or extended time limits, if so provided in the contract;

ฑณ่:มีรุ

(5')

- म्भेम्स्पर्ञुगाशार्थेन्स्पर्वायों कुश्वार्थेन्स्य (ठ) आर्थि:र्ह्येन्स्पन्स्ये:नून्/यन्दत्र सारत्मगामागीश प्रगतायेत्व:तुशार्केन्द्रनः क्रेत् मन्दाप्यन्त्येन्स्पत्रे क्रींतर्द्ध येगाशामर्डेशाप्यन्द्वीयाशाप्रद्युश्व:र्येन्स्या पन्ध्याप्त न्यार्थन्य
- (u) क्षेंग्रेसरायसाः स्ट्रेग्वारान्द्रताः मह्त्वालुवासाः उद्यान्तर्गताः स्ट्रेनाः व हत्वत्वायाः स्ट्रंग्वारान्द्रताः मह्त्वालुवासाः उद्यान्तर्गताः स्ट्रान् र्हेनाः स्ट्रान्ताः स्ट्रान्ताः स्ट्रा

- (१) ଅଣ୍ଟହିଁସାଧ୍ୟ ଅନ୍ୟର୍ଯ୍ୟ କ୍ରିଣ୍ଡ କ୍ରିଣ୍ଟ ଅନ୍ନ୍ୟ କ୍ରିଣ୍ଟ ଅନ୍ନ୍ୟ କ୍ରିଣ୍ଟ ଅନ୍ନ୍ୟ କ୍ରିଣ୍ଟ ଅନ୍ଥ୍ୟ କ୍ରିଣ୍ଟ ଅନ୍ଥ୍ୟ କ୍ରିଣ୍ଟ ଅନ୍ନ୍ୟ କ୍ରିଣ୍ଟ ଅନ୍ନ୍ୟ ଅନ୍ନ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ନ୍ୟୁ ଅନ୍ନ୍ୟୁ ଅନ୍ନ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ ଅନ୍ମ ଅନ୍ମ ଅନ୍ମ ଅନ୍ମ ଅନ୍ମ ଅନ୍ୟୁ ଅନ୍ମ ଅନ୍ମ ଅନ୍ୟୁ ଅନ୍ମ ଅନ୍ନ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ନ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ ସନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ ଅନ୍ମ ଅନ୍ମ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍ମ୍ୟୁ ଅନ୍
- (१) (१) (२) २२ (२) २२ (२) २२ (२) २२ (२) २२ (२) (୬) स्वर्? र्वेग्नराक्ते मुर्ग्नेवर्श्वर्? कुर्ग्नेवर्श्वर ऑर्येन्यर्गेन्'य्यन्र्स्ने कर्म्नेवर्?न्र यवस् केंगरन्य्यक्ते केंन्र्र् केंन्र्र् म्यर्गन्य्यत्र्र्स्त्र् प्रद्येत्र् व्यत्य्धेगर्न्य्व्य् ययेवन्यसेस्यायय्यमा प्रत्व व्यय्यम् प्रत्व यद्य्धीन्य्येत्र् ययेवन्यसेस्यायय्यमा प्रत्व व्यय्यम् स्वय्त्र्य् यये वन्यसेस्यायय्यमा प्रत्व व्यय्यम् क्रिय्त्र्य्या

- (d) commits serious violation of the terms of a contract, subcontract, or non-procurement transactions so serious as to justify debarment, including but not limited to:
  - (i) willful failure, without good cause, to perform a contract or subcontracts subject to the Rules, or non-procurement transactions according to the specifications, terms and conditions, and within specified or extended time limits;
  - (ii) willful failure, without good cause, to perform a contract or subcontracts subject to the Rules, or nonprocurement transactions according to applicable laws, bye-laws, rules, regulations or government policy;
  - (iii) a history of failure, without good cause, to perform a contract or subcontracts subject to the Rules, or non-procurement transactions according to the specifications, terms and conditions, and within specified or extended time limits;
  - (iv) a history of unsatisfactory performance of a contract or subcontracts subject to the Rules, or non-procurement transactions according to the specifications, terms and conditions, and within specified or extended time limits; or
  - (v) a history of submitting any false, misleading, or non-meritorious claim, demand or lawsuit against any public agency.
- (e) fails to remedy any reported defect within the warranty period by a supplier and/or contractor if:

- ရိ'ૡુઃગ્રનશ્વ ગ્વેંસ'વન્ડ્રન્ગ (૨) શ્વે'સ્ટન્યશ્વ શ્વે'ગન્સ્ટ્રન્પું' ર્ટ્સેન્ડ્રન્ગેંધ'ક્ષે' વલુવ'ર્ઢન્ અન્ડ્ર નુટ્ટે'વ્ય્વેન્ડર્ધેગ્વાય્સ'ફેસ'નર્દેવ બેંડ્રપ્યે સુયદેવ, સ'ર્ટ્ડ્ય'ર્સ્સેન્ડ્રન્ગેં યંવે'લુ'વ્યવન્ડ્ર'વવેસુયાયસ' વેંસ'વર્ઠ્સસ'શ્વેન્ડ્ર' ટ્ટીવ'યવેસુયાયું' ટ્ટીવ'સ'ર્દ્ધગન્ન'મ
- (๑) ୩୧୮ କିମ୍ୟୁ ଅନ୍ମାର୍ଥ୍ୟ ଅନ୍ମ ଅନ୍ମାର୍ଥ୍ୟ ଅନ୍ ଅନ୍ମାର୍ଥ୍ୟ ଅନ୍
- นๆ ग्विप्त्यी में माल्यस सेन्य गहन्त्र। (५) गढि्त्यी जन्म से लट्ट गढि्त्यी त्यू न्ह्र देव ल्वा स्था ही. यह र्दे द न्वत्रा
- (4) दर्धन नहेंन भगाक भनव धें हुं हुआ अन्वें है।
- (٩) મદ્દુવ'લુથાયા ખત્ત્વ ભૂત્યાએન ખત્ત્વ કેર્સ્ટ્રાચ્કુયાયાથા (٩) મદ્દુવ'લુથાયા ખત્ત્વ ભૂત્યાએન ખત્ત્વ નૃદુધાં કેયાઝેન્સ્નુધાયાથા બેંતુમારે વર્દ્યનાયાદ્વન ખત્ત્વ બેથાઝ ખત્ત્વ કેર્સ્ટ્રાચ્કુથાયાથી
- สาธีรามิารที่รา
  สสังราลิสารพมาราลิสารูา พราสา รายายพิมาร์มียาณพา สูงมา
- བ་੩ིན་སིན། (ཆ) ଐୢ୶੶ฃॖୖ੶୳ୢ୶ଵ୵୕୴ଌ୶ଽ୶୲ୖୄ୶୶୶୴୲ ୯ୖୖୣଽ୕୴୵ ୩୶୶୲୳୲୕ୖ୶ୄ୵ୖୢୄ୴ ଌୢ୲୕୴ ଌୖ୶୲୳ଌ୴୴୴ ୴୵୕ୠ ଶ୴୶୶୲୩ୖ୶୶୲ୡ୴ୣ୵ଈୄୖୠୢ୕୲ୠୢୖୡୢୖଽ୶ୖୄୢୖୄୢୡୖ୲ଊୖୠୄଽୢଽ୵ୖୣଽ୲ୡୢୄ୕୲୴ୗ୶୲
- ସ୍ଟ୍ ଲାଂର୍କ୍ତଂଶ୍ପ୍ୟଙ୍କ କୁମ୍ଭ 'ଦସ୍ମ'ସ'ତିଶ' ଅନ୍ୟା (१) ଆହିଂର୍ଶ୍ଧିମ୍ୟସ୍ମ କାଂନ୍ୟା ଅଂସ୍ସ୍ୟାଧ୍ୟ ଅଭିନ୍ୟ ସ୍ମ୍ୟୁସ୍ଥିସ୍'ସ୍ସ୍ୟୁସ୍'ସ୍ପ୍ୟୁସ୍'ର୍କ୍ସ' ଆହ୍ୟାସ୍ୟୁସ୍କ୍ୟ' ଭିଦ୍ଧାୟାସ୍ୟୁଷ୍ୟ ସ୍ଥିସ୍' ସ୍ମ୍ୟୁସ୍ଥିଭା ସ୍ମି'ସ୍ଥ୍ୟୁଷ୍ୟର୍କ୍ସ ଭିଦ୍ଧାୟାସ୍ୟୁଷ୍ୟ ସ୍ଥିସ୍'ର୍କ୍

- (i) dues are not recovered through performance security or retention money or security deposit; or
- (ii) a supplier and/or contractor fails to remedy such defect as per contract;
- (f) engages in improper conduct, including but not limited to the commission or attempted commission of:
  - (i) intentional or negligent billing irregularities ;
  - submitting false or frivolous or exaggerated claims, documents, or records;
  - (iii) falsification of claims, documents, or records;
  - (iv) willful or grossly negligent destruction of documents or records the suppliers/contractors had an obligation to maintain;
  - (v) misrepresentation to any governmental agency or government official;
  - (vi) violation of ethical standards established by the Government, or other dishonesty incident to obtaining, prequalifying for, or performing any contract or modification thereof;
  - (vii) violation or attempted violation of any applicable laws, rules or regulations in connection with acquiring any government certification, license, or permit;
  - (viii) failing to pay, after a reasonable period of time, any judgment or other adjudicated debt owed to any public agency after a request for payment; or

<u>ગુ</u>્ર પ્રત્વનુ ગ

- 5. ह्युत्तःलुगम्भ भन्तः र्वेन्दःधिनः क्वःश्चे नमः र्नेत श्चेत्राम्। (ग) मियनगागीभ्य भन्त व्यक्तिं झुनः व्यविभ्यतिभ्यसः स्वरंगी स्रेन्द्रभ्य स्रेन्द्रा गहिन्याः सुं गलुन्धन्त्व दचुगायदे विमुन्द्रभाषेत्रभाष्ट्रमा स्रेन्द्रगमा भेन्द्रम्य भेन्द्रम्य स्रोन्दः क्लुतागम्बत् दन्दिन्वा यहुना भन्द्र र्हेन्द्रम्या स्रेन्द्रम्य भेवाय्याः स्रेन्द्र्यायाः स्रेन्द्र्या

- a' ਬનશ્રાએન્'યન્'ત્વન્'ન્'ર્ગોચ'૱ન્'રેવે સંપર્વન્'રેગોશ'&'
- गर्भिस्य प्रयम् म्या (ह) र्डे दाञ्च गाउँमा गी प्रयाव प्रतिष्ठ म्या गेर्व मुं क्रेव गालव गाम् स्ट्रम् अम्

- (e) เขาสาขานสิวสขุสาสธิสารรามผู้สายสิวสขุสาสตุรารราสตุณ อเรารับกรรม สราวยอนชักเริ่ม เบราร สุดภาพัตรรรมสิวสบ

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- (ix) failing to defend, indemnify, or hold the Government harmless pursuant to a contractual obligation after having received a request to do so.
- (g) knowingly fails by a principal to timely disclose to the Government credible evidence of (a) violations of criminal laws involving fraud, conflict of interest, or bribery; or (b) overpayments on the contract that occurred in connection with the award, performance or closure of a contract, subcontracts, or non-procurement transactions;
- (h) commits or attempts to commit an administrative offence; or
- (i) any other cause of serious or compelling nature that it affects the present responsibility of the respondent.

#### 7.3 Other Causes

The respondent may be suspended or debarred for any of the following causes:

- (a) failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but excluding sums owed to the Government under the tax laws) owed to any public agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;
- (b) wilfully submitted false or misleading information in connection with the lawsuit against any public agency;
- (c) evasion of service of process or refusal to appear in suits brought against the respondent by the Government or a Bhutanese citizen or national in connection with the performance of a contract or non-procurement activities;

- พัรุนาซิ ୩୭୶୯୯ଜିଭାଦର୍ମିଭିନ୍ୟ ଭଦର୍ମ (୮୦) ଥି:ଶିଂଶ୍ୱଟ୍ୟୁନ୍ୟୁନ୍ୟୁନ୍ୟୁ ଜୁମ୍ୟୁସିନ୍ସୁ ଅଟ୍ଟ୍ୟୁର୍ଯ୍ୟୁ ଅନ୍ମୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁନ୍ୟୁର୍ଯ୍ୟା ଅନି ଅନୁସ୍ୟୁ ଅନ୍ମୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ୍ୟୁ ଅଭିନ
- q,  $\tilde{\tilde{u}}_{\tau,\tilde{\eta}}^{-1}$ ,  $\tilde{\tilde{u}}_{\eta,\tilde{\eta}}^{-1}$ ,  $\tilde{\tilde{u}}_{\eta,\tilde{$
- (ठ) เก่าวินทาที่านุ ซู้ รู พ่าซี้ราเกราสารสูนา พราสา อารรัพ ซู้ รู พาซี้ราเกรา ลู้โรสาซู้ ทุพาสิ่าญ หรูสา สิ่าสรายพราลิทาเการู ราทุธิภาณา ซูราวสุม พรา ส. ซู้ ราสาราชัทาสิ่าญ รรูณาวิสุมาลังรัสาย เสียง เม
- (٢) ฑุสุรานา สุราทุจิจานา สุราทุจาน

- (d) unauthorized sub-contracting;
- (e) failing to pay compensation or liquidated damages to any public agency for delays in the completion of works or delivery of goods;
- (f) filing a lawsuit against any public agency that a court determines to be frivolous or filed in bad faith; or
- (g) violation of any law regarding immigration, minimum wage or any other applicable employment related law.

- (ฅ) ସମ୍ପ୍ରିସ୍ୟାବୟ୍ଷ୍ କୁସ୍ଥି କୁମ୍ୟୁଦ୍ୟମ୍ମ
- (ฑ) จิงานสูงกุณาที่กานกานส์ สิงร์ญาสิรายา

- गर्बे दृ'प्रगण्य के गा कि बाय के बा के बाय के ब (म) गावदा देव गावव की के बाय प्राप्त के बाय प्राप्त के बाय के ब प्राप्त के बाय प्राप्त के बाय बाय के के बाय क बाय के के बाय क बाय के क
- नगागाकतेक्तुंक्तुंक्तुंत्वरन्धुः चडतःसरमाहेगासःयोन्यन्श्वेः तकरःश्वरुभरार्स्तः गाम्वस्यासुः तर्विन्यस्यास्त्रेर्द्धाः र्द्धेगासःचमन्द्राचर्मान्ट्रकेगाः दन्द्रिय्यस्य (ग) गायास्त्रीन् गावन्द्र्त्तिन्दन् न्वराष्ट्रन् यत्त्वः चडदाष्ट्रिससाक्तीःवन्यासयाधुरुः
- $\tilde{f}$ ทุพ สัสหงสาดานาร์สินิร์สาหา รัสามิสารสาขึ้นหมายการการ์สาหานาร์รามีนา  $\chi_{2}$  มิเมานานาร์มาระการ์ สินิร์สาร์สามีรายมีรายมีสารการสมมายการ์สาหานาร์รามีนาร์การ์ มีการ์สาหานาร์รามสาหาร์สาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รา มีการ์สาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหานาร์รามสาหาน

<sup>વો</sup>સ<sup>્</sup>ત્ર ગ ફેંગષ્ય વ્યવર્ટ્સ વૈવર્ય સ્ટર્ના

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#### CHAPTER III INVESTIGATION OF COMPLAINTS

#### 8 Establishment of Effective System for Reporting Suspicions

- 8.1 Every public agency shall establish an effective system for filing complaints concerning causes for debarment through such means as free phone telephone line, post-box, and internet.
- 8.2 Any person may, if he or she, based on reasonable ground, believes that another person or an entity has engaged in any of the causes for debarment cited in Chapter II, file a complaint with:
  - (a) the Commission in cases of corrupt practices or any offenses under the Act; or
  - (b) the public agency and the Central Agency in other cases.
- 8.3 Every public agency shall establish, maintain and record in a chronological log complaints received under Sub-rule 8.2 or information otherwise received, which shall be permanently maintained.
- 8.4 The log shall, at a minimum, include the following:
  - (a) the name and address of an alleged offender;
  - (b) the source of the information; and
  - (c) a description of the complaint or information.

#### 8.5 **False complaint**

If a person wilfully makes or causes to be made a false or misleading complaint that causes or sanctionable practices has been committed under Chapter II of the Rules with malicious intent:

(a) to the Commission under Rule (8.2)(a), he or she shall be guilty of an offence under the Act; or

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- (พี) มิเพรานพาซิเพิ่าพราพกานเรา ซีเซ็พาซิรานสิงสานารา
- ઞભ્ર વૈલે નેં વૃ.ભુ.જોવૃ સુવર્જીવાચ નુનર્સે અન્ખર્ચ થો થોય. વાવન નેં વૃ.બુ. લેન નુકુન વનને વેલે વેચ ગયન જે તે વેચ ગયન છે. તે આ ગયન જે તે
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- ρ. ର୍ନି୩ଷଂସ୍ୟମ୍ବର୍ନ୍ଦିସ୍କ୍ଟ୩'ଜିସ୍

(b) to the public agency or Central Agency under Rule (8.2)(b), it shall be separate basis for the sanction.

#### 9 Assessment of Complaints

- 9.1 The Commission or the public agency, as the case may be, shall within five days after receipt of complaints referred to in Sub-rule 8.2, referral made under Sub-rule 9.7, or information otherwise received, perform an initial assessment of such complaints or information to determine:
  - (a) whether such complaint relates to causes for debarment cited in Chapter II;
  - (b) whether such complaint has credibility; and
  - (c) whether the matter is of sufficient gravity to warrant an investigation.
- 9.2 The Commission or the public agency shall, in deciding whether the matter is of sufficient gravity to warrant an investigation, consider:
  - (a) the possible reputational risk to the public agency;
  - (b) the amount of funds involved; and
  - (c) the quality of the information or evidence in the Commission or the public agency's possession.
- 9.3 The public agency shall, upon initial assessment, refer the complaint to the Central Agency if it determines that the complaint warrants investigation.
- 9.4 The public agency shall inform the complainant of its decision of as to why it warrants investigation or decline investigation, sooner it completes assessment, through any medium.
- 9.5 If the complainant believes, the public agency had declined investigation without reasonable justification, may lodge the complaint with the Central Agency.

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- 9.6 The Commission or Central Agency shall, semi-annually, file a report with the Committee summarizing the reasons for all decisions not to investigate allegations concerning causes for debarment.
- 9.7 The public agency shall, if the complaints or information relate to corrupt practices or any offenses as defined in the Act, promptly refer such complaints or information to the Commission for investigation which shall be done in accordance with its procedures and practices.
- 9.8 If the Commission or Central Agency knows or suspects that a person has committed an act that constitutes the causes or sanctionable practices, shall refer such information with a proposal for debarment proceeding to the Evaluation Panel in a manner prescribed in these Rules.
- 9.9 The Committee shall establish effective procedures for an initial assessment of complaints or information and the manner in which such assessment shall be carried out.

#### 10 Investigation of Complaints

- 10.1 Upon receiving an initial assessment report or referred complaint, the Central Agency shall form an investigation panel which shall be represented by a member from the public agency.
- 10.2 The Central Agency shall, upon receiving initial assessment, from the Commission or the public agency and if it believes that the complaints reach the threshold referred to in Sub-rules 9.1 and 9.2, investigates such complaints or information to ascertain whether bidders or suppliers have engaged in one of the causes for debarment cited in Chapter II.

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- 10.3 If there is sufficient evidence to prove the allegation, the allegation is considered substantiated and the allegation is considered unsubstantiated if there is insufficient evidence to prove or disprove it, and unfounded if the allegation has no basis in fact.
- 10.4 The Central Agency shall, if it substantiates a case or if it believes that the investigation unearthed important lessons that should be shared with other public agencies, produce a final investigation report.
- 10.5 The Committee shall establish effective procedures for deciding whether to commence, suspend, or terminate an investigation of complaints or information, and the manner in which such investigation shall be conducted.

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#### CHAPTER IV INTERIM SUSPENSION

#### 11 **Proposal for Interim Suspension**

- 11.1 The Central Agency may make to the Evaluation Panel a proposal for interim suspension of the respondent consisting of the elements cited in Sub-rules 18.1 and 18.2, with necessary modifications.
- 11.2 Such a proposal may be made, if, before the conclusion of an investigation, the Central Agency Head believes:
  - (a) that there is sufficient evidence to support a finding of a cause for debarment against a respondent;
  - (b) that it is likely that the investigation will be successfully concluded; and
  - (c) a probable charge will be presented to the Evaluation Panel within twelve weeks.
- 11.3 The Central Agency shall accompany such recommendation with:
  - a description of the current progress of the ongoing investigation, including any evidence that remains to be gathered;
  - (d) a good faith estimate of the time required to complete its investigation, and present a probable charge to the Evaluation Panel in accordance with Rule 18 within twelve weeks; and
  - (e) a representation that the investigation is being pursued with due diligence and dispatch.

#### 11.4 Contents of a Notice of Interim Suspension

A notice of interim suspension shall:

(a) inform the respondent of its interim suspension and the manner in which it may provide an explanation;

- परोनमःनर्द्धनामः नर्मे। १९२३ नुच्चे विनः र्वेम्भः क्रैंगमा गैभः नुभः गठेगा हुः गवमः भ्रानमः नर्मेन्सः स्वेगा गी र्भ्रान्तः क्षुवः क्रैंगमः ग्रे वि प्रहेव नुन्तः क्रैंगमः कुत्तं गी वि प्रहेव ने प्रभा के क्षत्राप्रभः स्वेदे प्रमें प्रहेव पुः स्रुव खुः पनन् नर्मे।
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- (b) inform the respondent of the manner in which it may contest a probable charge and/or the proposed sanction in the Notice; and
- (c) append a probable charge.

#### 12 Issuance of the Notice of Interim Suspension

- 12.1 The Evaluation Panel shall issue a notice of interim suspension to the respondent if it determines that:
  - (a) there is sufficient evidence to support a finding that the respondent has engaged in a cause for debarment; and
  - (b) had the charges been included in a notice of sanctions proceedings, the Evaluation Panel would propose, as an appropriate sanction for such cause for debarment, debarment for a minimum period of not less than one year.
- 12.2 The Evaluation Panel shall also, at the same time, notify the chair/head of the Commission, the Committee, Central Agency and the public agency thereof of interim suspension.

#### 13 Withholding of Certain Evidence

- 13.1 The Evaluation Panel may upon request by the Central Agency, withhold from the respondent particular materials submitted in evidence upon a showing by the Central Agency that there is a reasonable basis to conclude that:
  - (a) the disclosure of such evidence would have a material adverse effect on the investigation; and
  - (b) the respondent would retain the ability to mount a meaningful response to the accusations against it notwithstanding the withholding of such evidence.
- 13.2 If the Evaluation Panel determines that such materials should not be withheld, the Evaluation Panel shall inform the Central Agency of its decision and allow the Central Agency an opportunity to withdraw the Notice.

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14 **Respondent's Preliminary Explanation in Opposition to Interim Suspension** The respondent may, within fourteen days after the date of issuance of the Notice of Interim Suspension, explain in writing to the Evaluation Panel why it believes that, notwithstanding the evidence set forth in the Notice of Interim Suspension, the respondent should remain eligible to be awarded contracts or otherwise participate in non-procurement transactions, pending a final outcome of the debarment proceedings.

#### 15 Effect of Interim Suspension

- 15.1 Upon issuance of the Notice of Interim Suspension by the Evaluation Panel, the respondent shall be placed on interim suspension for the period specified in Rule 16 from eligibility to be awarded contracts or otherwise participate in non-procurement transactions.
- 15.2 The Evaluation Panel may, notwithstanding Sub-rule 15.1, decide to terminate the suspension within fourteen days after submission of the preliminary explanation by the respondent pursuant to Rule 14 and upon consideration of the arguments and evidence presented therein.
- 15.3 Except as specified in Sub-rules 15.1 and 15.2, the provisions of Rule 25 shall apply to interim suspensions under this Chapter IV.

#### 16 **Duration of Interim Suspension**

- 16.1 An interim suspension under this Chapter IV shall have an initial duration of twenty one days.
- 16.2 Not later than fourteen days after the commencement of the interim suspension, the Commission or the Central Agency may request an extension thereof, for a further period not exceeding fourteen days.
- 16.3 The Commission or the Central Agency shall accompany such request for extension to the Evaluation Panel by:
  - (a) a description of the current progress of the ongoing investigation, including any evidence that remains to be gathered, together with a good faith estimate of the time required to complete its investigation; and

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- (b) a representation that the investigation of the respondent is still ongoing and is being pursued with due diligence and dispatch.
- 16.4 The Evaluation Panel shall inform the respondent of any such extension not later than the last day of the initial period of suspension.

#### 17 Extension, Termination or Expiration of Interim Suspension

- 17.1 Upon submission of a notice of debarment proceedings to the Evaluation Panel under Rule 18, an interim suspension under Chapter IV shall be automatically extended pending the final outcome of debarment proceedings, subject to Rules 22 through 25.
- 17.2 If a charge is not submitted to the Evaluation Panel prior to the end of the period of interim suspension under Chapter IV, the suspension shall automatically expire.
- 17.3 The Evaluation Panel may, at any time during the period of suspension, terminate the interim suspension if the Evaluation Panel determines, based on information which comes to its attention, that there was a manifest error in the Notice of Interim Suspension or other clear basis for termination.
- 17.4 The Central Agency shall, at all times during the period of suspension, present to the Evaluation Panel any exculpatory evidence that comes to light in the course of its investigation that bears upon the basis of the suspension.
- 17.5 The Evaluation Panel shall promptly notify the chair/head of the Commission or the public agency, Central Agency, the Committee, and the respondent of such termination and a statement of reasons therefore.
- 17.6 If the Committee or the Evaluation Panel determines that a respondent's conduct amount to one or more causes or sanctionable practices, suspended period shall be discounted for the purposes of compensation under these Rules.

10.1 યલે સ્નાનસ સુવ દેવાય બનવા બયા સે છે ન ગા નન માનન સાથે જે સાથ છે. સુ અઠવ ખન્ત્ર ફ્રેંન ખન્ય નરુવા વેલે નેં ત્રાયુ. લેવા ખેન સ્થન છેન રહું ર્સેન ન વે

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๛ฑณาณัรานณิรัฐาลูาฑิาท์าฑุสุฆารุรา นอณพิฑาณริณิรัฐาชสามฐ นารุรา 

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- हगर्भायमेंन्य्येन्यते यनेव्ययुर्म्यः केश्वय्द्यायःन्रुंगर्भात्र् સુવ ર્ઢેંગાય. બદલ. બયારેલે છે. નાગીય. ટે. નલેયા થયુ છે. યત્રે શેયા તદ્યો થય. ટે. તે છે. りく・そ
- ૡૢૻ ૹ૾ૢૢૢૢૢૢૢૢૢૢૢૢૡૹ૽૾ૢૺૹૣૻૢૣૣૣઌૡ૽ૢૢૺૢૻઌૡૹૡૢ૽ૺૡ૾ૻૢઽૻઌ૽ૼૡ૽૿ઽ૱ૹૡૡૢૢૢૢૢૢઽૻૻઙ૾૾૱૿ૡૢૡૼૹ૾ૼૼૼૼૼૼૼૼૼૡૡૻૻ૱૿ૡૻૡૼ <sup>৻</sup>ٮٳؚۿۥڲؘۥڮؖٳؾٮؾۛٵۛۿڹ<sup>ૻ</sup>ڝ</sup>ٵٵ؞ۿڎۼؾ؉ۿڹۘۘڝڟٙڹڝڮۧٵؚۿۥؿٵؿٵٛڛڟ؆ڝڮڛ าทุทาธณิฐาริมาณ์ที่ เวรูทุมาลิณิรัส เญา ผูสาธิ์ทุมา พราสา พมาญิญาราทุมา รอิเ 14.9 ૡ૽૾ૺઌૠૻૣૼૼ૱ૹૻ૾ૼઌ૱ઌૣૢૢૻૡૢ૱ૹ૾ૼૼૼૼૼૼૼૼૼૼઌ૱૽૽ૢૺૡ૽૿ૡઽ૽ૼ૱ૻઌઽ૱ૻઌ૱૱ૡ૱૱૱૱૱૱૱૱
- સુવ ર્ઢેંગથ. બન્વ. બયાર્થે દેગનાંગથ. લેવર્ડિંદર્ને છે સુવરવસ્યર્ડ્ડ વસ્ટ્રેવ. ગળાર્શ્વ 14.1 นฑฑาฮดิริฐาริสาจจิฑา พระสา พิเคลิสราขณาทริ์ที่พาดกราพัรมาริ์าล์สาพัราสา
- 14.

વેલુન મ <u>न्</u>द्देविनःर्मेश्वःर्क्षेगश्वःद्वःनातृगश्व

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# CHAPTER V REFERRALS TO THE EVALUATION PANEL

#### 18 **Referrals to the Evaluation Panel**

- 18.1 The Commission or Central Agency may seek to initiate debarment proceedings, if as a result of its investigation, the Commission or the Central Agency believes that there is sufficient evidence to support a finding of one or more causes for debarment.
- 18.2 To initiate debarment proceedings, the Commission or the Central Agency shall submit to the Evaluation Panel a probable charge endorsed by the Commission or the Central Agency.
- 18.3 The Commission or the Central Agency shall also, together with such charge, submit to the Evaluation Panel:
  - (a) its specific accusations of causes for debarment;
  - (b) its designation of each respondent alleged to have engaged in such causes, as well as each affiliate proposed to be debarred in accordance with Rule 72;
  - (c) its summary of the facts constituting the cause for debarment and the grounds for debarring any designated affiliates;
  - (d) the evidence in support of its accusations; and
  - (e) any exculpatory or mitigating evidence, as required by Rule 19.

#### 19 Disclosures of Exculpatory or Mitigating Evidence

19.1 In submitting a charge to the Evaluation Panel, the Commission or the Central Agency shall present all relevant evidence in its possession that would reasonably tend to exculpate the respondent or mitigate the respondent's culpability. ୬૯.૧ થાબ સેન બુભાબયા ને નરૂઢા અવે સ્રુન છેનું થાન સ્ટન સ્રુવ દેવાયા બનવા બાય સે સે સે સે ગયા ગયા છે. ગયા સે સુ નનવા નગા નગા છે બુભાબયા ને નરૂઢા અવે સ્રુવ છેનું ગયા છેનું ગયા છે. સુવય નગા છે ગયા છે ગયા છે ગયા છે ગયા છે ગયા છ નગી નને દેવાય હુન બનવા નરૂહે લેવ ગ્રેય દેવાય છે. સુવય નનને બાય છે છે ગયા છે ગયા છે ગયા છે ગયા છે. ગયા છે ગયા છે છ 19.2 If any such evidence comes to the Commission or the Central Agency's possession subsequently, such evidence shall be disclosed by written submission to the Committee or the Evaluation Panel, as the case may be.

- 49. สังงารสมงายุสานส์ ผิงชายุสามัสงารวิจงารอารายางๆ
- गलगा से २ नर नसुभ प्रत्यर्त रगी। (८) ବିশ दईगय ग्री दर गरेगा इर स्रुगय से नईगय रगी।
- (ग) శ్రేష్ శిశాలాలు శ్రీష్ణాలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ శ్రీష్ణిలు శ్ర శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రిష్ణిలు శ్రీష్ణిలు శ్రీశ్ శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీప్రిప్ శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీప్రిప్రిపు శ్రీప్రిప్రిప్తిలు శ్ శ్రీష్ణిలు శ్రీష్ణిలు శ్రీష్ణిలు శ్రీపు శ్రిపుత్లు శ్రిపుత్రిపుతు శ్రిప్రికు శ్రిపు శ్రిప్ణిలు శ్రిప్ణిలు శ్రిప్

ଦ୍ୟିମ୍ଭ'ଜ ସ୍ୱା ସ୍ତୁ: କିଷ: ଦୁର୍ଶ୍ୱ ଅନ୍ୟୁ

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# CHAPTER VI COMMENCEMENT OF PROCEEDINGS

#### 20 Issuance of Notice of Debarment Proceedings

- 20.1 The Evaluation Panel shall, if it determines that the Commission or the Central Agency's accusations in the charge are supported by sufficient evidence, issue a notice of debarment proceedings to the respondent.
- 20.2 The Evaluation Panel shall also, at the same time, send a copy of the Notice of Debarment Proceedings to the chair/head of the Commission, the Committee or the Central Agency.
- 20.3 Such Notice shall:
  - (a) set out the Evaluation Panel's recommended sanction in accordance with Rule 21;
  - (b) if applicable, inform the respondent of its interim suspension and the manner in which it may provide an explanation;
  - (c) inform the respondent of the manner in which it may contest the accusations and/or the recommended sanction in the Notice;
  - (d) append a copy of charge.

#### 21 Recommendation of Appropriate Sanction

- 21.1 The Evaluation Panel shall recommend in the Notice an appropriate sanction to be imposed on each respondent, selected from the range of possible sanctions identified in Rules 61 through 65 of these Rules with due consideration of the factors set forth in Rule 66.
- 21.2 The Evaluation Panel may also recommend the imposition of sanctions on the respondent's affiliates in accordance with Rule 72.

៹ឨۣ៝·ଵୖୣୖୖୖୖ୕ୖୖ୷୕ଈ୕ଐ୕ଈ୵ୢୖୖୄୖୄଈ 26.2 ราวัสารรา สี้ๆพาสูราที่าลิ่าวรัสา ร้านพา รัราสาญา ๆสุพาสุกพารที่รพาษ์ทาลามรา য়ঢ়ৼ৾৾ૡૺૢૡ૽ૼૼૼૼૼૼૹ૽૱ૻૢૡ૽ૻ૱ૡ૽ૻૡ૽ૻ૱ૡ૽ૻૡ૽ૻ૱૱ૡ૽ૻૡૻ૽૱૱૱ૡ૽ૻૡૼ

- รอิ่เดิน ที่พาสั้ทพาซิพา นสุณานิสาทุพณานกรรมที่รานี้รานน้ำ นริ ภิณาระพูนา 20.1
- ๚ุลุฆาฟูาฆาวุฎีะฆาชุมาจางไว้เป็น 90.
- ส์รารทั่า 23.6
- ૹૄૢૢૢૢઌૹૣૢૢૢૢૢૢૢૢૢૼૡૡૢૺ૾ૡૢઽૹ૾ૡૢઌ૱ૡ૽૿ૢ૽ૺૹૢૣઌ૽૱ૢૺૼૼૼઽૡૢ૾ૼ૽૱ૢઽૹૣૣ૾ૣૣઌૹૡઌઽૡૡૼ ៹ୄୠୖ୲ଵୖୣୣୣୣ୳ୢୖଈ୶୲ଌୖ୕୶୲୶ୄୖୢୄ୴ୄ୶୲ଌୖ୕୶୲୶ୄୖୄୄୄ୰୲ୖୣଌ୲ୡୖଽ୶୲୷୷୶୲୷୶୲ୡୄୖ୲୶୲୷ୡୖ୶୲୷ୡୖ୶୲୷ୄୖ **4**3.3 ุณพ. ธิ์ขุพ.ฮิ่ะมู.เซิ.เซสูร.พี. อมิดเพช.มีพก.ส.42.มีร.เซลูร.เซลูร.เซลูร.เซลูร.เซลูร.เซลูร.เซลูร.เซ
- ଜିସଂଦସ୍ୱ୍ୟି: ଶ୍ରିଶ୍ୟଂଦ୍ୟିସ୍କ୍ୟଂଦସ୍ୟୁର୍ଭ୍ୟୁ-ଅଣ୍ଟିର୍କ୍ଷ୍ୟୁ ଆ ९३.९
- ้ ร่าฉลูสาสต้ จราจสูญายิ่มาจรัสาดจารที่เนติจริสาตุรสา พราส (끼) างสาพิทานาิสาร์สาธสา 🗤 การสติณา กุษิาติกาทัศาธิ์ทุพาซิพา กุษา (P1)
- สร๊าพรๆ

ર્ફેંડ્ સુંગીશ્વ મુંચ્યુયાય વ્યવસાય છે. જે જે સુધાય છે. આ પ્રાપ્ત છે. આ પ્રાપ્ત છે. આ પ્રાપ્ત પ્રાપ્ત પ્રાપ્ત છે. આ પ્રાપ્ત પ્રાપત પ્રાપત પ્રાપ્ત પ્રાપત પ્રાપ્ત પ્રાપત પ્રાપ્ત પ્રાપ્ત પ્રાપ્ત પ્રાપત પ્રાપ્ત પ્રાપત પ્રાપ્ત પ્રાપત પ્રાપત પ્રાપત પ્રાપ્ત પ્રાપ્ત પ્રાપત પ્રાપત પ્રાપ પ્રાપ્ત પ્રાપત પ્રાપત પ્રાપત પ્રાપત પ્રાપત પ્રાપત પ્રાપ્ત પ્રાપ્ત પ્રાપત પ્રાપ્ત પ્રાપત પ્રાપ્ત પ્રાપ્ત પ્રાપ્ત પ્રાપત પ્રાપ પ્રાપત પ્ર

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*ั*้รั้าสู่ถ้าจสุณณสาขุจณาจุดา

ฑุณ ซิรุ เริ่าสิน ซิสามัน ซิสาม ซินา จินาย ซิมาร์ การการการการสาย พิมาร์ เป็น เป็น เป็น เป็น เป็น เป็น เป็น เป็ ર્કેંન:ગ્રુ: મર્કેંગ: ભારવગા ગી ભૂ! ર્શ્વેન તે. અન્ત, આંધ સ્રુવ શ્રેત્વ ખાલે ર્શ્વેન ખેત રહું તન. વરવા અન્ય ગાઉ ગાય. <u>ૡ૾૾ૺ</u>ૡૹૻૻ૾ૻૡૻૡૹૻૻૡ૾ૻૡૻઌૡૻૻૡૻ૽ૡૻ૾ૡૻૻૡૻ૽ૡૻ૾ૡૻ૾ૡૻૻૡ૾ૻૡૻૻૡ૾ૻૡૻૻૡ૾ૻૡૻૻૡ૾ૻૡૻૻૡૡૡૻૻ૱ૡૻૼૡૡૡૻૻ૱ૡૻૼૡૡૡૻૻ૱ૡૻ

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#### 22 Effect of Interim Suspension

If the Evaluation Panel recommends a sanction, the respondent shall be placed on interim suspension from eligibility to be awarded contracts or to participate in non-procurement transactions effective from the date of issuance of the Notice until the date of the final outcome of the debarment proceedings.

#### 23 **Respondent's Explanation**

- 23.1 The respondent may, within fourteen days after issuance of the Notice, provide a written explanation to the Evaluation Panel as to why:
  - (a) such a notice should be withdrawn; or
  - (b) the recommended sanction revised by the Evaluation Panel pursuant to Rules 21.
- 23.2 The respondent shall present arguments in his or her explanation and attach any credible evidence in support thereof.
- 23.3 The Evaluation Panel shall provide the chair/head Commission or the Central Agency and the Committee with a copy of any explanations received.
- 23.4 The provisions of Sub-rule 40.2 and Rule 41 shall apply, with the necessary modifications, to the explanation.

#### 24 Termination of Interim Suspension

- 24.1 The Evaluation Panel may, upon consideration of the arguments and evidence presented in an explanation, decide to terminate the interim suspension within seven days after receipt of such explanation.
- 24.2 The Evaluation Panel shall, within seven days after termination of interim suspension, notify the chair/head Commission or the Central Agency, the Committee and the respondent of its decision and a statement of reasons therefor.

- བརར་་་མྲོལ་ནང་མོད་པའི་ བརོ་དོན་ོལ་སོད་པོག་ོམོ་ལོག་མོ་ལ་གོནི་བན་ག་སྲི་ ་བསྱུར་ོནི་འ་འ་ད ལོད་པའི་ཕུམ་འརྱོགམ་བརྒྱགམ་ཆོག། ४୭.৫ བསྱུར་ནིབ་འབད་པོད་པའི་ཕུལ་འགྱལ་འབད་བའི་སྐབམ་ གནད་དོན་རྒྱུ་ བུུུའ་མིག་འདིའིལུའ, པའི་ནང་གགོད་པོའི་པའི་དོན་ཆོན་ཆོན་ཆྱོག<་འགུལ་འབད་འགྱིལ་འབད་དོགོ།
- จ. กราวสูญาสารณ์ทาวธุ์ทุพาธรพ)

- ရင်က်ရင်္ဂလူအင်္အရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင် (୩) နိုင်္ဂခ္ဆာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင် နွေရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာရင်္ဘာ

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#### 25 **Posting of Interim Suspensions**

An interim suspension from eligibility to be awarded contracts or to participate in non-procurement transactions or continue existing contract shall be listed in the Debarment Register cited in Chapter XIII of these Rules.

#### 26 Withdrawal of Notice and Revision of Recommended Sanction

- 26.1 The Evaluation Panel may within seven days after receipt of an explanation:
  - (a) withdraw the Notice upon concluding that there is an error or other clear basis for supporting a finding of insufficiency of evidence against the respondent; or
  - (b) revise the recommended sanction in light of evidence or arguments as to mitigating factors presented by the respondent.
- 26.2 The Evaluation Panel shall notify the chair/head of the Commission or the Central Agency, the Committee, and the Committee Secretary and the respondent of the withdrawal in which case the proceedings shall be closed, or revision and a statement of reasons therefor.

#### 27 **Resubmission of Notice**

- 27.1 In the event the Notice is withdrawn in accordance with section 26.1 (a), the Commission or the Central Agency may submit a revised charge on the basis of additional information not contained in the original notice.
- 27.2 In the event of resubmission of a revised charge, the matter shall proceed in accordance with the rules set forth under this Chapter VI.

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ર્ફેન્ગ્ન્યૂર્સ્સન્યુર્સ્સનુર્સ્સનુર્ 94.

पन्र'र्न्ग्

ฑุณ ซิรุ เริ่า เลา ซิพ ซิพ เรียง เรื่อง เรื่อ 94.1 30 มาราวส์สิณ อราอมูณาสอราณ์รามสิ.ยูณาณณ มิสาขรณ 30 ป้าสุราสต์รา ૡૢૻ૽ ઙ૾ૼૼૼૼૼૢઽૻૡૢૢૻઽૻ૱ૡ૱ૻૻ૱૾૾ૼૼૼ૱ૻૢૡ૽૽ૺૡ૽૿૱૽ૻૼૼૼૼૼૡ૾ૻૡ૾ૻૹ૾ૻૡ૾૾ઌૻ૾૾૾ૼૼૡૻ૾ૹ૾ૻૡ૾૾ૡ૾૾ૡ૽૾ૡ૾૾ૡ૽૾ૡ૾૾ૡ૾૾ૡ૽૾ૡ૾૾ૡ૽૾ૡ૾૾ૡ૽૾ૡ ૡઌઽૡ૾ૻઽૡૡ૾ૼૺ૾૾ૡ૾૾ૹૻૻ૱ૡઽ૾૾૾ઽૺૡૡ૾ૼૹૡૹઌૹૻૡૹૢ૱ૡ૾ૢૼૼૼૼૼ૱ૡૡ 24.2 नर्डुगमालेववार्यायमा हेवाग्राम्मा २ गीवनायर्थिनायुः स्रुवार्ट्वेगमाग्री सिय्हेवा यनवा

ૡૹૡૢ૾ૡૢૢૺૻઌૡ૾ૺૡૡ૽ૼૼૣૡ૽૾૾૾ૢૡૻઽઽૼૻ૾૾૾ૼૺૼૼૼૼૼૼૡૻૡૻૡૢૻઽ૾ઌ૽૿ૺૢઽૼૻ૾૱૱૽ૼૺૡૹૻૻ૾૽ૼૼૼૼૼૼૼૻ૽ૼૡૢૻૡૻૢઌૻૻ૱ૻઌૢ૾ૡૻ

#### 28 Sanctions in Uncontested Proceedings

- 28.1 If the respondent does not contest the accusations or the sanction recommended by the Evaluation Panel in the Notice within twenty days after the issuance of the Notice in accordance with Rule 37, the sanction recommended by the Evaluation Panel in the Notice shall enter immediately into force.
- 28.2 The Evaluation Panel shall within seven days after entering into force of the recommended sanction notify the chair/head of the Commission or the Central Agency, the Committee Secretary and the respondent.

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- (દ)  $\mathfrak{F}_{7}$ ્રસંત્ર'ર્થેન્સ'ख़्य'ખેત્મ' છુવ' ખેત્ર' ત્રે ત્રે ત્રે ત્રે ત્રે સંત્ર' સં

- (८) ख्रुवार्ळेगश्चण्ये र्देवग्वर्ध्वा अर्दे केवा अत्य प्रति ख्रियाया प्रति क्रियाया प्रति क्रियाया क्रियाव क्रायकत्य क्रियाया क्रियाव क्रायकत्य क्रियाया क्रियाव क्रायकत्य क्रियाया क्रियाव क्रायकत्य क्रियाया क्रियायाया क्रियाया क्र क्रियाया क्र क्रियाया क्रियायाया क्रियाया क्र क्रियाया क्रियाया क्रियाया क्रियाया क्रियाया क्रियाया क्रियाया क्रियाया क्रियायाया क्रियाया क्रियाया क्रियाया क्र क्रियाया क्र
- (ग) वन्मश्र हेंगाञ्च्रुदायगायमा अर्ने केदा धन्यदा वन्नी देख्यायमा येंग्यादमा (ग) वन्मश्र हेंगाञ्च्रुदायगायमा अर्ने केदा धन्यदा वन्नी देख्यायमा येंग्यादमा
- (म) न्रह्मदाक्तुरूग्रह्मदायमायसः सर्देक्तेदः यन्तदः दर्ददेध्समायसः मेंग्मदसः
- ଌୖ୕୶୴୶ୄୠ୕୷ୠ୕୵୕୶୳ୠ୶୕୳ୖ୶୕୵ୄୖୖୖ୴୕୳ୄୠ୶ୖ୶ୖ (୩) ๅୠୣଊୖୢଽଈୄ୲ୡ୶୲୴୩୲୴୶୕୶ୖୣଽ୕ଌୖ୶୕୴୷ଽ୶ୖ୵ୠୖୡ୕୲୴୷୴୴ୖ୶୕୲୴ୠ୶

ଘିମ୍ଭ ଯ ସମ୍ବାସ:ढମ୍ସି ଛିଁସ୍ବଷ:ढୁମ୍ବ

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# CHAPTER VII THE DEBARMENT COMMITTE

#### 29 Establishment of a Debarment Committee

- 29.1 The Debarment Committee is hereby established to review and take decisions in debarment cases and perform such other detailed functions and responsibilities as set forth in these Rules.
- 29.2 The Committee members, including the Committee Secretary, shall be governed by an applicable Code of Conduct or a Code of Conduct as may be prescribed by the Committee, if there is no such Code of Conduct.
- 29.3 The Committee shall be composed of seven members as follows:
  - (a) An officer of position of Director and above from the Ministry of Finance;
  - (b) An officer of position of Director and above from the Ministry of Economic Affairs;
  - (c) An officer of position of Director and above from the Ministry of Works and Human Settlement;
  - (d) Representative of the Commission who is the rank of Director and above;
  - (e) Chief Executive Officer of the Construction Development Board as established;
  - (f) Secretary General or an equivalent senior officer of the Bhutan Chamber of Commerce and Industry; and
  - (g) Attorney General or an equivalent or a senior officer of the Office of Attorney General;
- 29.4 The Committee may invite a membership of one subject matter specialist as it may deem appropriate.

#### 30 Tenure of Members

The Committee members shall serve for a term of three years, whose term shall commence from the date of their appointment.

- ૧૧.૨ ગરુવર્ષ્પેયાં વર્રવૈં વેન્ગ્યાશ્વ બન્યું પર્ગ્વ ગરુવર્ષ્પેયાં વર્ત્તવે નિર્યન્યાં નિર્દ્ધ થા દેશ શું વર્દ્ધ થા દેશ શું વર્દ્ધ થા દેશ શું થા દેશ શું વર્દ્ધ થા દેશ શું થા દેશ શું વર્દ્ધ થા દેશ શું થા દેશ શ સું થા દેશ શું શું થા દેશ શું થા દેશ શું થય શુ યદ્ય શું થય શું શું થય શું શું થય શું શું થય શું થય શું થય શું થય શું શું થય શું લુ યા થય થય લાય છે શું થય શું શું થય શું થય શું શું થય શું લું લુ શું લું યું થય શું થય શું લું લુ ય શું શું થય શું યું થય શું યું થય શું યું થય શું યા થય થય શું થય શું થય શું થય શું થય થય શું થય શુ શું થય થય શું થય શું થય શું થય શું થય શું થય શું થય થય થય થય થય થય થય થય થય શું થય શું થય શું થય શું થય શું થય થય શું થય
- ર્ਬે મ્રપ્વર્ગે નિ'નુર્ગે (૨૧૯ ૨૦૦૦) ૨૫૫૫ અદે મું પ્રસ્થાય છે. સું ગયા બે સ્વરાષ્ટ્ર માર્ગ્યું ને સાથ પ્રસ્થાય છે. ૨૫૫૫ અદે છે. સાથ પ્રસ્થાય છે. ૨૧૫૫ અપ્રસ્થાય છે. સાથ પ્રસ્થાય છે. સાથ પ્ર સ્વર્ત્ય પ્રસ્થાય છે. સાથ પ્ર
- बिंगश्व केंग्रिंग केंद्र मिंग केंद्र में केंद्र मिंग केंद्र में केंद्र मिंग केंद्र मिंग केंद्र मिंग केंद्र मिंग केंद्र मिंग केंद्र मिंग क
- ମି'ଲକ୍ଷ' କ'ଅଁସ୍କ'ର୍କ୍ତ'୩୮୨୫'ଦୋଦିଭ'ଦର୍କି'ମ୍ବିମ୍ବି । ४९.३ ଛିଁ୩ବା-ଷ୍ଟ୍ରଟ୍ମି'ଜ୍ୱଭାଦଜିଁଶ୍ୟୋଷ୍ଟ ଓ୍ଟ୍ରୋସସଂସ୍ଥିଷାର୍ଷି' ଏ ଭାଷାରା-ଷ୍ଟ୍ରଟ୍ୟାସି' ଛିଁ୩ଷାଆ୍ଟ୍ୟାମ୍ବ୍ୟୁ ମିଶ୍ୱି।

- <sub>ৰ৭</sub>. র্টিশশ্ব:কু**ন্**শী'দ্র:নিমা

- 49. र्ळेगश्चरूपी धि पहेंता

## 31 The Committee Chair

- 31.1 The Committee Chair shall be elected by the members of the Committee who shall be impartial and objective.
- 31.2 The Committee Chair shall direct the work of the Committee; shall represent the Committee in all administrative matters and shall preside at all sessions of the Committee.
- 31.3 The Committee Chair shall designate an acting Committee Chair in the event of his or her absence from office.

#### 32 **Proceedings of the Committee**

- 32.1 In all matters not addressed in these Rules, the Committee shall include in its rules of procedures.
- 32.2 The Committee Chair or an acting Chair Committee shall fix date, time and place of the Committee's sessions, including hearings which shall be in the form of oral proceedings.
- 32.3 A minimum of three member quorum shall constitute the full Committee.
- 32.4 The Committee shall take all decisions by a majority of the members present and, in the event of a tie, the Committee Chair shall have the deciding vote.
- 32.5 The Committee's proceedings, including hearings and deliberations shall be recorded.
- 32.6 The Committee members shall declare conflict of interest and, in case the proceeding is moved by a member's agency, the Member shall withdraw from participation in the debarment proceeding.
- 32.7 No legal proceedings or suit or any administrative proceedings shall lie against any member of the Committee or Committee Secretary or any person acting for the Committee in respect of their duties under these Rules or intended to be done in pursuant to the provision of the Rules. Such immunity shall not cover any corrupt acts committed by a member of the Committee or Committee Secretary or any person acting for the Committee in connection with discharge of his or her duty under the Rules.

(5) দ্রীম্ম'নদন'রী

- าฐุฐาร์ขางจากจุการระ <sup>के</sup>ग्रेंभ कुरणी में भाष स्थूर प्रयान परि स्नाय भाषा में माम स्थाय प्रयान के प् (শ্ব)
- **য়ৢ**ॱळे<sup>ৢ</sup>য়ৼয়ৼয়য়য়য়য়৾৾ঀ৾ৼৼ৾ (P1) নন্তুন্
- (끼)
- ้สิ้ฑฺฺฺฺ๙๛ฑํๅฐ๛ลิฦ ૬૬૦ કે જે કે સાથવા લેવા થી. શે સર સાથે સુવ સે ર સુ સ સે તે સે સાથ સે સે સાથ સે સે સાથ સે સે સે સે સે સે સે સે સ 34.1 รมาวสารสิที่ทำรัสาญ อีสีทุพาสูราชีารู้ราชสาพิทาสราชีาพพาวสทุสาวสทุรที่มารรา
- 36.3 ર્ફ્રેન વે ગો ને વ સુ અઠવ સ્વ મને ગો સુન અ છે વ ન ગો
- त्रग्वायान्वरिष्ठान्द्रायव्रन्ययेग्वद्रन्रेरेय्युन्टें कैंग्र्याकुन्गीर्ग्वयार्केन्त्रन्यविया कैंग्र्या aुरःगोःविःपहेंदरगीश्रः र्ढेगशःकुरःगोःपद्युश्रःशेःगर्डगःश्वेरःर्द्युरःप्रमरःर्ढेगा 36.9
- ส์ขุพ สูรขาวสูพ สำ สราวุฐรา ଌୖ୕୕୕୩୶୲ୄୄୠଽୖ୩୲୵ଽସ୍ଟୁ୶୲ୖଈ୲୕୩ୖୖୖୖଽ୶୲ୖ୩ୖ୲ୖୢୢଌ୕୩୶୲ୄୣୣୠ୕ୖୖ୷୶ୖ୶ୖୣ୷ୖ୳୷ୖୖ୷୷୶୲ୄୠ୵୶୲ୖଌ୷୶୲ଌୖୄ୲ୢୖୢୢ୷ୖ 36.1
- ญ สังงารสมงายุสามริวาที่ พราส สาวรุงาริสารที่
- दत्त्र्या याल् र यीश्व क्रेंग र यें। รรูณ ซิพาผูสาคๆ ทิพา ทุธสาวนินพานส์ พัรพิรราวสิณา สีทพาสูรทิวายุพาลิ **३**३.९
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#### 33 Remuneration of the Committee Members

- 33.1 The Government of Bhutan shall bear all expenses in relation to the operations of the Committee or the administration of these Rules.
- 33.2 The Committee members shall be entitled to such reasonable benefits or fees as may be determined by the Ministry of Finance.

#### 34 Removal of Committee Members

- 34.1 The Committee members may be removed by the Committee Chair upon the decision of the Committee in the event of incapacity, material violation of the Code of Conduct, or conduct unbecoming of the Committee members.
- 34.2 The Committee Chair or other members of the Committee by written request to the Committee Chair, shall have the right to initiate a proposal for removal.
- 34.3 The concerned Committee member shall be notified of the alleged grounds for the proposed removal and be afforded a reasonable opportunity to respond to the allegation.

#### 35 The Committee Secretary

- 35.1 The Public Procurement Policy Division of Ministry of Finance shall act as the Committee Secretary to assist the Committee and, in particular, the Committee Secretary shall:
  - (a) schedule all Committee meetings and hearings relating to the debarment proceedings;
  - (b) brief the Committee members on all aspects of a matter;
  - (c) assist the Committee during its deliberations and keep the minutes of such deliberations;
  - (d) draft the Committee's written decision pertaining to each matter brought before the Committee, as directed by the Committee Chair;

- ์ทั่วสมาสั่าที่ฟา รอิเด็จาร์มีฟาส์ที่ฟาซิเลิวอร์สานฟาส์จาที่จิ้าทาจส์เร็จสานจาร์ราที่ รูเนิม รอิเด็จาร์มฟาส์ที่ฟาซิเลิวอร์สายิฟา ดณาวร์สมพาส์ที่พาสิ่าที่รัสาญา สีฟาฐรพารรา
- ૱ૼૡ ૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱ ૾ૢૢૡૢઌૡ૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱
- ลิสุมานพา โข้นมามั่าที่พา รุษิเล็กาขัพาธิ์ทุพาบิานทุสาตร สามาร์ทุพา ธิ์ทุพาสูรที่ายาริมา พราสา หูสาทุพสาสราญารอนามราทุร์ทุพามาธิ์ทุพา 30.3 ธิ์ทุพาขรพาธ์รลิทำรัสาญา รุษิเล็กาขัพาธิ์ทุพาบิานยุพามาทุหูมาธรราช์รารที่ๆ

- 46. าุษิ:ดิจานีพ:ชั้ยพ. ยุติ:จรูยพ
- <sup>૧૫.૧</sup> ૹ૾ૺૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૡૻૻ૽ૡૻ૾૾ૼૼૼૼૡૻ૽૾૾ૺૡ૾ૻ૾૽ૡ૾૾ૼૼૼૼૼૡૻ૾ૡ૾ૢૻઽ૾ઌ૽૿ૺૢૻ૱૱ૡૻ૽ૡ૽૿ૻૡૡ૽ૻૡ૽ૻૡ૽ૻૡ૽ૻૡ૽ૻૡ૽ૻૡૡ૽ૻ ૡૢૻૡૢૼૼૡૢૻૢૢૻ૽ૢૼૼૼૼૼૼૼૼૡૻઌઌ૱૱૱૽ૼૼૺ

- สิ์า (นาราชิ)
  (a) จรณะพิฑานราสิาสุณฑา สิ้ฑุพาสูราฑิารูราสิสาพิฑาสราญานาทุณาพัรา
- (७) केंगश्च कुर गेश्व ग्रेंश्व केंद कुं देश ख्व ग्री शेरें भराव दर्ग दर्ग दर्ग देव खु गर

- (e) convey the decisions of the Committee to the appropriate person or authority;
- (f) perform other duties assigned to the Committee Secretary by these Rules; and
- (g) assist the Committee in other ways not inconsistent with these Rules.
- 35.2 The Committee Chair shall supervise the work of the Committee Secretary in relation to the operation of these Rules.
- 35.3 The Committee Secretary, if unable to act for any reasons, shall be replaced by another staff of the Public Procurement Policy Division of Ministry of Finance.

#### **36** Formation of an Evaluation Panel

- 36.1 The Committee Chair shall form an Evaluation Panel comprising three of its seven members to carry out the functions described in these Rules.
- 36.2 A Committee member who has been appointed as the Evaluation Panel member shall not participate in the sessions or hearings of the Committee except to perform the duties of the Evaluation Panel.
- 36.3 Attendance of all three Panel members is required to constitute a quorum.
- 36.4 Decisions of the Panel shall be taken by a majority of two members.
- 36.5 The Panel Chair shall be elected from among its members, who shall be impartial and objective.
- 36.6 If the Panel Chair is unable to act, he or she shall designate an acting Panel Chair.
- 36.7 The Panel Chair shall determine the date, time and place of sessions of the Panel.
- 36.8 The Panel may determine its rules of procedures for the conduct of its business.

- ۹. พิยาร์รัญเนาสู้รานธุ์ยาญรรญ

- $\tilde{\Re}^{(n)}$  ୩ฤଟ୍ୟୁ ସିଂଦ୍ଦି ଶିଂଶ୍ୱାଷ୍ଠ ଅକ୍ଷ୍ୟୁର୍ଦ୍ଧ କ୍ଷ୍ୟୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧୁର୍ଦ୍ଧୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧୁର୍ଦ୍ଧୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧୁର୍ଦ୍ଧୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧୁର୍ଦ୍ଧୁର୍ଦ୍ଧ କ୍ଷ୍ମୁର୍ଦ୍ଧ କ୍ୟୁର୍ଦ୍ଧୁର୍ଦ୍ର କ୍ରକ୍ୟୁର୍ବ

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# CHAPTER VIII REFERRALS TO THE DEBARMENT COMMITTEE

#### 37 Respondent's Response to Notice of Sanctions Proceedings

- 37.1 The respondent may, within fourteen days after the issuance of the Notice, contest the case by submitting to the Committee, through the Committee Secretary, a written response to the accusations and/or the recommended sanction contained in the Notice, including written arguments and evidence.
- 37.2 The Committee Secretary shall, within five days after the receipt of the response, notify the chair/head of the Commission, the Committee, the Evaluation Panel and the Central Agency of:
  - (a) the receipt of such response, together with a copy thereof; and
  - (b) the matter shall be referred to the Committee for its review and decision.

# 38 The Commission or the Central Agency's Reply in Support of the Notice of Sanctions Proceedings

The Commission or the Central Agency may, within ten days after receipt of the notice of respondent's response, submit to the Committee, through the Secretary, a written reply to the arguments and evidence contained in the response.

#### 39 Submission of Additional Materials

- 39.1 At any stage before the conclusion of any hearings on the matter, the Committee Chair may permit any additional material evidence to be submitted, together with a brief argument predicated upon such additional evidence if such additional evidence becomes available to the Commission, the Central Agency or to the respondent after the applicable deadlines for the submission of written materials have passed.
- 39.2 The Committee Secretary shall, within five days after receipt of the additional materials, provide the other party to the proceeding with a copy of such additional materials.

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- 6.9. क्रेश्व प्रयापार्थ रेखायेता

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39.3 The Committee Chair may also permit either the Commission, the Central Agency or the respondent to submit, within ten days after receipt of the additional materials, additional arguments and evidence in response to the evidence and arguments contained in such additional materials presented by the other party.

#### 40 Formal Requirements for Written Submissions

- 40.1 The Committee Chair may grant a reasonable extension of any time period for the filing of submissions upon request by the Commission, the Central Agency or the respondent, by notice to both parties.
- 40.2 The Committee Chair may set reasonable limits for the length of written submissions to the Committee.

## 41 Admissions of Culpability

- 41.1 The respondent may, in its response, admit all or part of any accusation set forth in the Notice.
- 41.2 The respondent may also present evidence and arguments of mitigating circumstances, or other facts relevant to the decision of the Committee concerning an appropriate sanction.
- 41.3 The respondent shall submit such evidence and arguments in accordance with the schedule for written submissions set forth in these Rules.

# 42 Distribution of Materials to the Commission or the Central Agency and the Respondent

- 42.1 Except as otherwise provided in this Rule, the Committee Secretary shall, within five days after receipt of any written submissions or evidence, provide to the Commission or the Central Agency and the concerned respondent:
  - (a) copies of all such written submissions and evidence; and
  - (b) any other materials received or issued by the Committee relating to the proceedings against the said respondent not previously provided by the Evaluation Panel.

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- 42.2 The Committee Secretary may, at any time, upon approval of the Committee, make materials relating to debarment proceedings against a particular respondent available to other respondents in debarment proceedings involving related accusations, facts, or matters.
- 42.3 The Committee shall, in determining whether to approve the disclosure of such materials, consider, among other factors, the standard for withholding sensitive materials set forth in Rule 43.

#### 43 Distribution of Sensitive Materials

- 43.1 The Committee may, in its discretion and upon request by the Commission or the Central Agency, agree to the withholding of particular evidence submitted to the Committee or the Evaluation Panel, upon a determination that there is a reasonable basis to conclude that revealing the particular evidence might endanger the life, health, safety, or well-being of a person.
- 43.2 The Commission or the Central Agency shall have the option to withdraw such evidence from the record or to withdraw the Notice if the Committee denies the Commission or the Central Agency's request.

#### 44 **Redaction of Materials**

- 44.1 Notwithstanding the provisions of Sub-rules 43.1 and 43.2 of Rule 43, the Commission or the Central Agency may redact particular parts or pieces of evidence presented to the respondent or the Committee.
- 44.2 The respondent may challenge such redaction in its response under Sub-rule 37.1, in which case the Committee shall review the unredacted version of such evidence to determine whether the redacted information is necessary to enable the respondent to mount a meaningful response to the allegations against it.

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44.3 If the Committee determines that the redacted information is necessary, the unredacted version of the evidence in question will be made available to the respondent in accordance with Rule 45, and the respondent shall be afforded an opportunity to comment thereon in an additional submission under Rule 39.

#### 45 In Camera Review of Certain Materials

- 45.1 The Committee may, upon request by the Commission or the Central Agency, provide that certain pieces of evidence be made available to the respondent solely for review.
- 45.2 Such materials shall be available for review during normal office hours, for as long as the respondent may reasonably request, but the respondent shall not be authorized to make copies of such materials.

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<sup>દ્યે</sup>લ્ડ<sub>૯</sub> મ ઢેંગશ્વ:હુત્ત્રી:સ્કુવ:ગશ્વવા

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# CHAPTER IX HEARINGS BY THE COMMITTEE

#### 46 Applications for a Hearing

- 46.1 The Commission, the Central Agency or the Respondent may request that the Committee hold a hearing on the accusations against the respondent.
- 46.2 Such requests shall be made exclusively in the Commission's or the Central Agency's reply, or the Respondent's response.
- 46.3 The Committee shall hold a hearing within ten days after issuance of the notice of the date, time and place of hearing to the Commission, the Central Agency or the respondent by the Committee Secretary.
- 46.4 If no such request is made, the Committee shall review the case and render its decision on the basis of the existing record, in accordance with Rule 58, without a hearing.

#### 47 **Representation at Hearings**

- 47.1 The Commission or the Central Agency shall be represented in a debarment proceeding by one or more authorized representatives who may or may not be employees of the Commission or the Central Agency.
- 47.2 A respondent may be self-represented or represented by an attorney or any other individual authorized by the respondent, at the respondent's own expense.

#### 48 Attendance at Hearings

- 48.1 The authorized representatives of the Commission or the Central Agency, the respondent and the respondent's representatives may be present throughout the hearing.
- 48.2 The hearing shall remain confidential and not be open or available to the public.
- 48.3 Neither the representatives of the Commission, the Central Agency nor the respondent nor the respondent's representatives shall be present for, or participate in, the Committee's deliberations.

- મર્गોન'ન્'ર્ગો ૫૦.૧ ગશ્વશ્વાલું ર્ફ્ર કેંગશ્વસંસ્ટુન્ટન્/બન્ટન નુકેલિવ ર્શેશ્વર્સ્થાર્સ્વાયાયા બૈગાર્ક્ષ્યા બુગ્વર્કુ ગશેન્ટ યંતે લુગ્વન્દ્ર સંગયર વર્દ્ધ સુન્ટ સુન્ટ કેન સુગર્ફ ગર્ફ ગશેન્ટ સંગ્યુન કેન્ટ્ર સુન્ટ સુન્ટ સુન્ટ સુન્ટ સુન્ટ સુન્ટ સેગ્વને સુધ્વર્સ વર્સ્ય સુબાર્ક્સ સુબાર્ક્સ સુન્ટ બન્ટ સુન્ટ બન્ટ સુન્ટ સુન
- ગશ્વવાયું વ્યવનું કર્યો ૨૯૯૨ કર્યું કર્યો કે પ્રાપ્ત કરે છે. ત્યાર કે પ્રાપ્ત કે પ્રાપત કે પ્રાપ્ત કે કે બ્રાપ્ત કે પ્રાપ્ત કે કે બ્રાપ્ત કે પ્રાપ્ત કે કે પ્રાપ્ત કે પ્રાપત કે પ્રાપ્ત કે પ્રાપ્ત કે પ્રાપ્ત કે પ્રાપત કે કે પ્રાપ્ત

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#### 49 **Order of Presentations by the Parties**

- 49.1 The Commission or the Central Agency shall present its case first.
- 49.2 The respondent or respondent's representative shall present the respondent's case second.
- 49.3 The Commission or the Central Agency shall be permitted to reply to the respondent's case and vice-versa.

#### 50 Length and Form of Presentation

- 50.1 The Committee Chair shall set a reasonable period of time for each presentation.
- 50.2 Presentations shall be limited to arguments and evidence contained in the written submissions filed with the Committee and/or the Evaluation Panel, and may rely upon or refute individual items of evidence.

#### 51 Live Testimony

- 51.1 No live witness testimony shall be taken, except that one or more witnesses may be called and questioned by members of the Committee only.
- 51.2 The respondent or its authorized representative may make a statement during the hearing.
- 51.3 There shall be no cross-examination, although rebuttal evidence may be presented during the hearing.

#### 52 Matters Relating to the Sanction

The Commission or the Central Agency and the respondent may present evidence of mitigating or aggravating factors relating to the appropriateness of a particular sanction.

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ર્ઢૈંગચ સુર ગૈ ત્વરૂચ બે ગે ચે ગે સંગ ન ન ર ગો ગાવન રે વાય તે સે ગયા જે ગયા છે.
# 53 **Response to Questions**

- 53.1 The Committee members may, as a matter of right, put questions to the Commission or the Central Agency's representative and the respondent or its authorized representative.
- 53.2 A party's refusal to answer, or failure to answer truthfully or credibly, may be construed against that party.

**મર્કભઃઢ્રેઽૃાએઽૃચ|** ઞરુવઃધીમાયદ્દીઃ વઽ ભાષાશ્રભાયવર્ગે૧ઽઽેપોંદ્દાંવારા માર્કે માશ્રા દેવાંશાસ્તુઽથીઃગઽ માર્ગ્સગ્રવ્યુપોંદ્દાંચાવેઃ માત્રશ્વાસ્ત્રુંભા બદાવા ધોમાંસ્ત્રાનારસ્ટ્રઽઃ સ્ટ્રેઽાગ્સાથીશ્રા બેવાવેઃ બદાવા વક્ષુરાલેવાયવર્ષાવેપ્સાર્ટ્સાપ ઽ<sup>વદાસે</sup>ઽ]

૫૯.૧ દૈંગભારુદ્વત્વ દ્વારા સુધાર કે ગાય છે આ સુવાય છે તે ગાય ગાત રુત્વા ગાય સુધાર કે ગાય ગાય સુધાર સુધાર સાથ ગાય સુધાર સ સુધાર સુધા સ સુધાર સુધા સ ધા સુ

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- สูจาษีรารราชสิณาจริงาสงารสิมมาต่างสายสายการรารราชสิณามาร์ที่ แดง สูงาษีรายางสายสารรารรายกายสายการสายสายการสินารรารการสาย การรายการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการราชการ

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# CHAPTER X RULES OF EVIDENCE

#### 54 **Forms of Evidence**

- 54.1 The Committee or the Evaluation Panel shall not be bound by the provisions of the Evidence Act or by any other law relating to evidence.
- 54.2 Any kind of evidence may form the basis of arguments presented in a debarment proceeding and conclusions reached by the Committee or the Evaluation Panel.
- 54.3 The Committee and the Evaluation Panel shall have authority to determine the relevance, materiality, weight, and sufficiency of any types of evidence.
- 54.4 Without limiting the generality of the foregoing Sub-rules 54.1 through 54.3, the Committee and the Evaluation Panel shall have the discretion to infer purpose, intent and/or knowledge on the part of the respondent, or any other party, from circumstantial evidence.

# 55 Privileged Materials

Communication between an attorney, or a person acting at the direction of an attorney, and a client for the purpose of providing or receiving legal advice and writings reflecting the mental impressions, opinions, conclusions or legal theories of an attorney in connection with a legal representation shall be privileged and exempt from disclosure.

# 56 No Discovery

The respondent shall have no right to review or obtain any information or documents in the Committee's possession except as expressly provided for in these Rules.

- (১) নক্ষণ্য প্রবা বিশ্ব বি
- (ग) กลุงณานี้ (การสุรณ์รายาริสา)
- (四) 지독·지퉜이

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- (ग) दम्रेवायेंन्यावनार्नेवार्कुं वायायवर्गानवीनन्ते

- રુષ, ગરુવઃપીયાં વર્તવે દેવે દ્વાં ક્વાં છ માળ્ય છે પાય પ્રવે વર્ત્ત્યું ગર્મે જે છે છે છે છે. બુચાય પ્રાથ પ્રાથ પ્રાથ પ્રાય કે પ્રાથ પ્રાથ પ્રાય કે આ પ્રાથ પ્રાથ પ્રાથ પ્રાથ પ્રાથ પ્રાથ પ્રાથ પ્રાથ પ્રાથ પ પ્રાથ હે બુચાય કે પ્રાથ પ્ર
- રુ રે અ'વર્ને ઢ એનુ' ગાંદુ રુ ગોં પ્ય ગાંધા સેનું દેવાય સુર ગોય નને તે વદે તે રુ રુ ગવે તે સુવ છે તે બુ ગાંધી ગાંદ તે સુવ ગો છે તે બુ ગાંધી ગાંધ ગાંધી ગાંધ
- مَڠَ ۖجُعَٓٳ سه، ٩ गाय َعَاجَ لَهُ مَاهِ، وَجَعَامَة، حَجَمَ مَوْقَعَ مَعَاجَ عَلَي مَاهَ عَلَي مَامَ عَلَي مَ محاج حمد عام معرف الماسي محمد علي الماسي محمد ع محمد علي معرف الماسي محمد علي م

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# CHAPTER XI DETERMINATIONS BY THE DEBARMENT COMMITTEE

# 57 **Committee Determinations**

- 57.1 The Committee shall determine by the preponderance of the evidence whether or not the respondent's conduct amount to one or more causes for debarment.
- 57.2 If the Committee determines by the preponderance of the evidence that the respondent's conduct did not amount to a cause for debarment, the proceedings shall be terminated.
- 57.3 If the Committee determines by the preponderance of the evidence that the respondent's conduct amount to one or more causes for debarment, the Committee shall impose an appropriate sanction on the respondent, and sanction shall be selected from the range of possible sanctions identified in Rules 61 through 65.
- 57.4 The Committee shall, in determining the appropriate sanction, not be bound by the recommendation of the Evaluation Panel.
- 57.5 The Committee shall issue its decision under Sub-rules 57.2 or 57.3 setting forth:
  - (a) a recitation of the relevant facts;
  - (b) its decision as to the culpability of the respondent;
  - (c) any sanction to be imposed on the respondent and its affiliates; and
  - (d) a brief statement of the reasons for its decision.

#### 58 **Record as Sole Basis for Determinations**

- 58.1 The Committee's review and deliberation shall be restricted to the record consisting of:
  - (a) the investigation report;
  - (b) the Notice;
  - (c) the explanation (if any);
  - (d) the response;

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- એન્ડાયન વર્નુ ત્વે વ્યું વ્યુ ન સુન દ્વેનુ વનનુ ન તે 60.2 ᢜᢆᡃ᠋ᠯᢩᢂ᠄ᠼ᠆ᡃᡅ᠋ᢆᡰᢩ᠋᠋ᢩ᠋᠋ᢩ᠋ᢋ᠆᠄᠋᠋ᢆᢆᡈᠯ᠍ᢂ᠄᠗ᡔ᠋ᢆᡃ᠋ᡎᢂ᠄ᠼ᠆᠋ᢆᡅ᠋᠉ᡬᢋ᠆᠋ᡎ᠆ᡧ
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- ननेत्र पर्धतर, रनविः क्षन छेन नर्दुगया र्धेगा वया हेन हा गीया नगाया कवि क्रुक्ते या हैया न नगया कवि क्रुक्ते या हैया न цр.2
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- (e) all other related written submissions of arguments and evidence; and
- (f) all arguments presented at any hearing before the Committee.
- 58.2 All records shall be maintained in the office of the Committee Secretary.

#### 59 Standard and Burden of Proof

- 59.1 The Committee shall determine by the preponderance of the evidence whether or not the respondent engaged in a cause for debarment.
- 59.2 The Commission or the Central Agency shall have the burden of proof to establish by the preponderance of the evidence that the respondent engaged in a cause for debarment.
- 59.3 Upon such a showing by the Commission or the Central Agency, the burden of proof shall shift to the respondent to demonstrate by the preponderance of the evidence that his or her conduct did not amount to a cause for debarment.

### 60 Entry Into Force of Committee Decisions

### 60.1 Final Nature of Decisions

The Committee's decision shall be final and unappealable, and shall take effect immediately, without prejudice to any action taken under other applicable laws.

### 60.2 **Dissemination of Decisions**

The Committee Secretary shall, within five days after the Committee makes its decision, transmit such decision to the Commission or the Central Agency, the Evaluation Panel, the respondent, and law enforcement agencies and such other public agency or persons as the Committee Chair may determine.

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- 69. สู้โรา์ขี้ณายิ่าอาชิสาชั่นานสา นทุนาอานาราชรสา

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# CHAPTER XII DEBARMENT OR SANCTIONABLE PRACTICES

#### 61 **Debarment with Conditional Release**

- 61.1 Debarment with conditional release may normally be applied in the absence of the considerations that would justify another sanction as outlined in Rules 62 through 65 of these Rules.
- 61.2 The Respondent shall be subject to one or more of the forms of ineligibility outlined in Sub-rule 62.2 and shall be released from debarment only if the respondent demonstrates compliance with certain remedial, preventative or other conditions for release, after a minimum period of one year debarment.
- 61.3 Conditions imposed may include:
  - (a) verifiable actions taken to improve business governance, including the introduction, improvement and/or implementation of integrity compliance or ethics programs; and
  - (b) remedial measures to address the misconduct for which the respondent was debarred, including disciplinary action or termination of employees or officers responsible for the misconduct.
- 61.4 Debarment with conditional release shall also result in extension cross the operations of all public agencies as outlined in Sub-rule 62.2.

#### 62 Debarment

Debarment may apply where it is believed that there are no reasonable grounds for believing that the respondent can be rehabilitated through compliance or other conditions.

### 62.1 **Duration**

The respondent shall not be subject to debarment for a period less than one year nor more than five years, except that the respondent who engaged in a sanctionable practice for more than once shall be compulsorily debarred for up to five years.

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- 64.9 อาสิตร์สา เพลง นาทุสาอสสารณ์ จิลง อานาทุลง รุสานารร์ พรา
- 64. ଌୖ୶ଶ୍ରୁବ ହିଁ୩ ଭଷ୍ଟ ସମ୍ବାର୍କ ଅନ୍ନିର୍ବ୍ଦ ପ୍ରା ଜ୍ୟାର୍ଥ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ ଜ୍ୟାର୍ଥ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ ଜ୍ୟାର୍ଥ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ ଜ୍ୟାର୍ଥ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ସେ ସ୍ଥ ସେନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର୍ବ ଅନ୍ଦର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ୍ଦ ଅନ୍ତର ସେ ଅନ୍ତର୍ବ ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର୍ବ ଅନ୍ତର ଅନ୍ତର୍ବ ଅନ୍ତର ଅନ୍ତର୍ବ ଅନ୍ତର ଅନ୍ତ ଅନ୍ତର ଅନ୍ତ ସନ୍ତର ଅନ୍ତର ଅନ୍ତ କର୍ତର ଅନ୍ତର ଅନ୍ତ କର ଅନ୍ତର କର ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର ଅନ୍ତର କର ଅନ୍ତର ଅନ କର ସର ଅନ୍ତର ଅନ୍ତର

- (୮) ଈୖ୲୶ଽ୕ଈୢ୵ୄୢୠ୲୲୴ୄୢଌ୲୲୲୴ୄୗ ଈୖୖୄ (୮) ଈୖ୲୶ଽ୕ଈୢ୵ୄୢୠ୴୲୴ଈ୲ୖୖ୲୶୲ୡ୳ସ୕୳୴୵ଽୢୄ୵ୖ୴ୡ୲ୖୖୡ୲୴୷ୡ୲ୢୄୠ୲୴୲
- (๚) เขาฉายาที่านูาฐ์ราพีรามนิ่ ฮิ่าพาณสายสายิาสราญนานพาสิ่าสรา สรา ยุสิสานานรอยสายารา ขั้นการสูงมา กล้ารสูงาน แรงสายนังสุรานารา
- (୮۹) ସତ୍ତରଙ୍ଭିସାଂନ୍ଦ୍ରିଂମ୍ବର୍ଦ୍ଦରଙ୍କିର୍ ୮୦ ଅନ୍ମାଂନ୍ଦ୍ରହୁର୍ଦ୍ଧିକୁ ସି
- (ग) <u>क</u>रिंगो केंग घल गर रु र र

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# 62.2 Effects

The debarred respondent shall be ineligible to:

- (a) be granted any trade license;
- (b) be awarded a contract subject to the Rules;
- (c) be a nominated sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a contract; and
- (d) receive the proceeds of any public fund or otherwise to participate further in the preparation or implementation of any public activity.

# 63 Conditional Non-Debarment.

- 63.1 Conditional non-debarment may apply where:
  - (a) the parties affiliated with the respondent that are not directly involved in the cause for debarment in which the respondent has engaged, but which bear some responsibility thereof, through, for example, a systemic lack of oversight; and
  - (b) Respondents that have demonstrated that they have taken comprehensive corrective measures and that such other mitigating factor apply, as outlined in Sub-rule 63.3, so as to justify non-debarment.
- 63.2 The respondent may be required to comply with certain remedial, preventative or other conditions as a condition to avoid debarment from ineligibility to be awarded contracts, sub-contracts, or to participate in non-procurement transactions.
- 63.3 Conditions imposed may include:
  - (a) verifiable actions taken to improve business governance, including the introduction, improvement and/or implementation of integrity compliance or ethics programs; and
  - (b) remedial measures to address the misconduct for which the respondent was debarred, including disciplinary action or termination of employees or officers responsible for the misconduct.

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- བཀག་ཆའོ་ོན་ལུ་ ўན་ཆོབམ་ཀྱི་མྲབམ་ོན་འོ་ གལམ་འོོོན་ཕོ;ནོ་སོན། (ཀ) ॼॖॱॸན་ཀྱི་ཆོབམ་ཆོདོང་དོ་ ਘང་བསྒྱུར་དུ་འཐབ་ឃོད་པའི་བྱ་བའི་རིགམ་དང་ མགུ་ ह्रेंगॺॱञ्ठ"ॻॖॖऀॱॾॻॺःजेॺॱལག་ལེན་འཐབ་མི་ བྱ་ངན་ལུ་འགན་জ্রི་གམོ་དོ་མོ་; ॼॖॱॸན་ནང་ལུ་འёོན་སྒྱོང་པའི་འགན་জ্রិ་ ୴ང་ན་ སྒྱི་གོོཔོགཔ་གོོགམ་
- **ઞ્ગામાં અવિર્થેશ્વ 'ર્હેન્'સુ'ગર્લેનું મ્યવ્યે ' ભ્રાનચ'ર્ને લા** ર્ઢેંગાચ'રુનુન 'બન્ટલ' ત્રસ્ટેં 'લેન 'ર્થેચ'ર્સેંગાચ' ગ્રીચ' ભ્રાનચ'ત્રન્ટન્યક્ષુલ' નગામાં અવે અંતર્ગલે'તૃન્ન ' હુન ર્ઢનુ'ર્દ્ધ'ગાંદલ'વનેનચ'નર્સે 'લે'ગો'ર્નેલ'સુ' નરુવ'બેમાં 'વને'લન્ટ' નગોનું 'બેનુ'મવે 'કેલ'ર્ક્રનચ્ચ' બન્ટલુ' સુંતુ'બનચ'ગ્રી'ભ્રાનચ'ર્નેલ સું'સુ'ગાલે'નલમાં દેગા

**ર્શેર:ઢુઽ' ષપ્ડવ' બેગષાય'મર્કેષા** ર્ફેંડ્?ગ્लુ ગેષ. ચેંર:ઢુઽ' ત્વર'ઽર્ગોય'ચ'ર્ઢઽ' ભ'વરગગ'गै'વગવ'વર્દ્દેઢ'બગ'બેઢ'વઘરાયલે'ક્ષુનચ' રુઢ' સુઽ'૱ઽ'ગ્રબ'ગૉર્ડગ્વાર્સ'વર'બેંડ્'સે'બુ'વર્દ્દેઢ' શેંચર'બચ'સ્ટ્રે' બદ'ā' સ'ચઢ'ગાર-રુડ્વાર્કેગ'બુ' શરચ'રુંડ'કે'ગંદે'ચ'ર્ડ્ડ વર્ડ્સ'સ્ટુડ'વરર'ફેંટ્ર' સ્ટેસ'દ્રે' રુશેગુરું'વર્ચ્વ'ગ્રે' ક્રે'ચેંગ્ વર્સેવ' બદ'ā' ગલિઢ'બેગુરુ'વર્ચર'ફેં'વર્ચર'ર્ગો

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# 64 **Reprimand**

The respondent or most often its affiliate may be reprimanded in the form of a formal "Letter of Reprimand" of the respondent or its affiliate's conduct for an isolated incident of lack of oversight

# 65 **Restitution or Remedy**

The respondent may be required to make restitution as well as financial and other remedies in exceptional circumstances, including those involving corruption in contract execution where there is a quantifiable amount to be restored to the public agency or to any other party.

# 66 Factors Affecting Debarment Decision

The Committee or Evaluation Panel, as the case may be, may consider the aggravating or mitigating factors cited in this Rule in determining the length and extent of debarment.

# 66.1 Aggravating Factors

The aggravating factors for debarments shall be the following:

- (a) the severity of the misconduct as may be established by repeated pattern of conduct, sophisticated means adopted, central role in misconduct, management's role in misconduct, or involvement of public servants;
- (b) the magnitude of the harm caused by the misconduct, including harm caused to public safety or welfare, or degree of harm to the public agency's programs and activities;
- (c) the respondent's interference in the Commission or the Central Agency's investigation, including obstructive practices, or intimidation or offering the witness a payment in exchange for non-cooperation with the Commission or the Central Agency;
- (d) the respondent's past history of adjudicated misconduct, including prior debarment or other penalty for misconduct other than for which the respondent is being debarred;

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- 66.9 ผู้ราพรพ.ซิ.พุจพ.รัส
- ୩๙८२२५२२२२२२४२४२४२२१ (८) ଝିଁ୩๙୮ଝ୯୮ ୯୯୮୪ ମୁକ୍ତିଂବିସଂସିଶ୍ୟାଝିଁ୩๙୮ଅଟ୍ଟା କ୍ଷୁସ୍ୟାର୍ମ୍ଦିକ୍ୟ କ୍ଷୁସ୍ୟାର୍ମ୍ଦିକ୍ୟ କ୍ଷୁସ୍ୟାର୍ମ୍ଦିକ୍ୟ କ୍ଷୁସ୍ୟା ୩ବି'୩୫ସ୍'୩'୩'୩୪ଜୁ୮ ଜୁୋଇଟ୍ସ୍ୟୁର୍ଯ୍ୟାର୍ଜ୍ୟାର୍ଥ୍ୟ କ୍ଷୁର୍ଥ୍ୟାର୍ଜ୍ୟାର୍ଥ୍ୟ କ୍ଷୁର୍ଥ୍ୟାର୍ଥ୍ୟ କ୍ଷୁର୍ପ୍ୟାର୍ଥ୍ୟ କ୍ଷ୍ମିର୍ଥ୍ୟାର୍ଥ୍ୟ କ୍ଷୁସ୍ୟାର୍ମ୍ଭି କ୍ଷୁସ୍ୟାର୍ମ୍ଭି ଅନ୍ୟୁର୍ଥ୍ୟାର୍ଥ୍ୟ କ୍ଷୁର୍ଥ୍ୟାର୍ଥ୍ୟ କ୍ଷୁର୍ଥ୍ୟାର୍ଥ୍ୟ କ୍ଷୁର୍ଥ୍ୟାର୍ଥ
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- (e) breach of the confidentiality of the sanctions proceedings as provided for in Rule 88; and
- (f) any other factors that the Committee or Evaluation Panel, as the case may be, reasonably deems relevant to the circumstances of a particular case.

# 66.2 Mitigating Factors

The mitigating factors for debarments shall be the following:

- (a) the respondent's minor, minimal or peripheral role; or not participated in, condoned, or was ignorant of the misconduct by individual with decision-making authority;
- (b) takes voluntary corrective action, including cessation of misconduct; addresses the misconduct through appropriate measures or takes internal action against responsible individual; establishes or improves, and implements an effective corporate compliance program; or voluntarily makes restitution of funds obtained through the misconduct or address any inadequacies in contract execution;
- (c) provided substantial cooperation in the investigation or resolution of the case, including through settlement under Chapter XIII; voluntarily disclosure of misconduct; conducted its own effective internal investigation of the misconduct or beyond the misconduct and shared the results with the Commission or the Central Agency; admissions or full and affirmative acceptance of guilt or responsibility for the misconduct; and voluntarily restrained from bidding on the public financed tenders pending the final outcome of an investigation; and
- (d) any other factors that the Committee or Evaluation Panel, as the case may be, reasonably deems relevant to the circumstances of a particular case.

- र्ईद'ञ्चगैश्वः नग्नद्रुश्वग्थ्वरम्पतेनग्नम्द्रिंग्णुः पर्गेनर्प्यनम्पतेनर्गेश्वर्यार्थ्वः भुग्वुत्युः भुग्वुत्रश พีรานูๆพ.พ.พ.ร. ราราสูงานุสายสิรารารนะสานูา ๆสุลาพัรายสิวร์ ภูรารารสูจายิรา ૡૢૼ ઼ઌઌ૽ૼૼૼૼઽૢૢૢૢૢૢૢૢૢૢૢૢઌ૾ઌ૽ૻઌ૱ૡ૽ઌૻ૽ૡ૱ૡ૱ૡ૱ૡ૱ (끼) মশ
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- รุกรัฐงายุสานสิรรุกราวรัสเซ็จา ผู้ราขึ้นเซ็าธริสร์ขา พราสา กทุฑาธามาวกรา નવે ઋત્તે ત્ર સેવા બચા નગાવા સવન પેવર પેવર સાથે. સ્ટ્રોન છે. સ્ટ્રોન છે. સ્ટ્રોન છે. સ્ટ્રોન છે સ્ટેન છે સ્ટેન સાથે સ્ટેન સ્ટ त्रचन्द्रतिः सुःन्वन्दः केन्ध्येन्यःन्नः क्रुः अर्ढतः भूवन्धतेः न्वीश्वः अर्थिः क्रुं चीः ज्ञायः य्यायाः कः ધેષાઢાર્તુ: સૈશ્વલેવાનન્દ્રોલેવાવનન્દ્રોર્થેથા
- गवर्षायेन सेन ग्री क्ष हेगा (12.9.2
- ર્શેન'વનન'ઐ'ર્જ્ર'નર્સેશ'ને'ભેઠ્યા
- ณฑาณิสานียาราที่างาราการสุงายุสามนิราการสะสาญ ร่งเวิงานรักงา (PI) สู้ๆพานนิ บละรู้โรญๆสุพานนิญพาริผาสู่ ธานติ์ๆ พะส บลุรา
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ଌୖୢୄୠଵ୵ଵଽୄଵୠୄୣ୶୲ ราราสุพาษุสามสิหาราราส์สายิพา สีทพาสูรา พราสา รุษิเดิมาทัพาส์ทพาซิเ ส ૹ૾ૢૢૢૢૺ૱ઙ૽ૼૼૼૼૼૼૼૼૼઌૹૡૻૻઌ૾ૻઌૻ૾ઌ૾૾ૡૻઌ૾ૺૡ૾૾ૡૻઌ૾ૻૡૻ૽ૡ૾ૻૡૻ૽ૡ૾ૻૡ૾ૻૡૻ૽ૡૻ૾ૡૻઌૡૡૻ૱૱ૡૻ૾ૡ૽ૼૡૻૡૡૡ૱ૻ 

- ୳୶୲୩୲ଌୖ୶୶୳ୖୖ୵ୢୖୠ୶ୄୄୠୖୖ୵ଌୖୢ୷ୠୣୄୠୄୣୣୖ୳୳ୡ୶ୖଈୄ୵୵୵ୖ୳୶୲୩୲ଌ୕୲୴୶ୖୢୢୠୣୖ୵ୖୢୢ୲ଈୖ୲୶୲୵୳୵ୄ୳ଽ୶୲ (gg).
- 66.2 ર્ઢૈંગષ્ય હુદ ગીષ્ય દેંગષ્ય હુદ બાદ વું વિરોધ <sup>ૢ</sup>ૹૣઌૹ<sup>ૢ</sup>ૼૺૼૼૼૼૼૡૻૻૢૢૢૢૼૢૻઽૻઌૹૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢૢઌૻઌૻૻૣ૽ઌૻ૾ૢ૾ઌૻ૾૾૽ૻ૱ઌ૿ૺૻૻૢ૽ૼૡૻ૽૾ૺઌૻ૾ૻ૽ઌ૾ૻૡૻૻઌૻૻૡ૽ૻૻ૽ૢૼ૱ૡ૽ૻૼૼૻ૾ઌૻ૾ૡૻ૽ઌૻૻૡૻ૽ૼૻ૾ૡૻૺૻ૾ૡૻ૽ૺૻૻૡૻ૽ૺૻ **ঈুর**'নর্রি'র্টগা

# 66.3 Sanctioning Guidelines

The Committee may develop a Sanctioning Guidelines to provide for guidance to the Committee or the Evaluation Panel, as the case may be, as to the considerations that it believes are relevant to any debarring decision.

# 67 Compliance with Conditions for Non-Debarment and Release from Debarment

# 67.1 Notification of Conditions

Competent Authority shall, as soon as practicable after the Committee or the Evaluation Panel imposes a conditional non-debarment or debarment with conditional release, contact each sanctioned party to advise them as to:

- (a) the requirements for meeting the conditions; and
- (b) including, where applicable, the adoption and implementation of an integrity compliance program acceptable to the Competent Authority.

# 67.2 Monitoring of Compliance

Competent Authority shall have the right to monitor compliance by each debarred party with the conditions for release or non-debarment, and may impose on the party such requirements as may be reasonably necessary, among others, periodic reporting by the debarred party, the appointment of an independent monitor, external auditing and inspection of the books and records of the debarred party.

# 68 Application

- 68.1 The respondent may submit to the Competent Authority an application setting forth arguments for and evidence of its compliance with the requirements set by the Competent Authority:
  - (a) no earlier than thirty days prior to any deadline for compliance with conditions for non-debarment under Rule 63; or

60.0 ฃุระพฏิ์ขุฬเซิเฉรีเฉพียงเชอวเว่มู่ไ

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- (b) the last day of the minimum period of debarment under a debarment for conditional release under Rule 61, but no later than any such deadline for compliance with conditions for non-debarment under Rule 63.
- 68.2 Such application shall include, among other things:
  - (a) a detailed report on its implementation of any integrity compliance program agreed with the Competent Authority;
  - (b) details relating to remedial actions taken in response to the misconduct for which the party was sanctioned;
  - (c) any other misconduct detected during the period of debarment or conditional non-debarment; and
  - (d) any criminal, civil or regulatory conviction or decision based on conduct of the type of a cause for debarment.

# 69 **Determination by the Competent Authority**

- 69.1 Competent Authority shall, within fourteen days after receipt of the application, begin its review thereof to determine whether or not the respondent has complied with the conditions for non-debarment or release from debarment based on:
  - (a) the arguments and evidence set forth in the application; and
  - (b) any other factors it may deem relevant.
- 69.2 Competent Authority may, before making such determination, verify the arguments and evidence contained in the application.
- 69.3 The respondent shall cooperate fully with any such verification, including by permitting the Competent Authority access to relevant books and records.
- 69.4 Competent Authority shall conclude its verification and make its determination as soon as practicable, and thereafter promptly notify the debarred party of such determination and a statement of reasons therefor.

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- 20.2 વગાવા ઢાવવડ્ર પેંડ્ર પવે સુખ્યત્ર શીએ ડ્રે ટ્વર્ટ્સ સ્વર્ગ સ્વ સ્વર્ગ સ્વર્ય સ્વર્ગ સ્વર્ય સ્વર્ય સ્વર્ગ સ્વર્ગ સ્વર્ય સ્વર્ગ સ્ય

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- ઞાત્વર્ડ્ડર્ગે હાલ્ય ગળાવા રાજ્યવર્ડ્સ સ્વરાયું કાર્મું વાયું સાંવા વ્યું સાંગુ સાંગુ સાંગુ સાંગુ સાંગુ સાંગુ સાંગુ સાંગુ સાંગ હાલ્ય ગળાવા સાંગ્રે સાંગુ સ

- 69.5 In the case of a determination by the Competent Authority of noncompliance with conditions for non-debarment, a debarment with conditional release (the conditions for release being those originally stipulated for non-debarment) would automatically become effective for a period of time established by the Committee or the Evaluation Panel, as the case may be, with such debarment also resulting in crossdebarment as outlined in Rule 62.
- 69.6 In case of a determination of non-compliance with conditions for release, the Competent Authority shall specify a continuation of the period of debarment, for a period not to exceed one year, after which the respondent may again apply for release in accordance with Rule 68.
- 69.7 A debarred party shall be issued a determination of non-compliance, with a statement of reasons therefor.

# 70 Appeals of Compliance Determinations

- 70.1 A debarred party may, within ten days after a determination of noncompliance by the Competent Authority, request in writing that the Committee review such determination.
- 70.2 Such request for review by the respondent:
  - (a) shall set forth the reasons why the debarred party believes that in making its determination the Competent Authority committed an abuse of discretion;
  - (b) shall be appended with the application and the Competent Authority's determination of non-compliance; and
  - (c) may be accompanied by additional evidence and arguments in response to the stated grounds for the determination of non-compliance.
- 70.3 The Committee shall, within fourteen days after receipt of such request, decide whether the Competent Authority committed an abuse of discretion:

નગાવા ઢાવનન પેન નવે સાથવા છે આ પ્રાથમિય સાથે સાથવા સાથવા છે. આ પ્રાથમિય સાથવા સાથવા આ પ્રાથમિય છે. તેમ સાથવા સાથ

an. ફેંદ્ર'ગ્लુ'મૈશ & દુ'ય્વેલા

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- ขุลรารัสานพาณะี้ณาฮิ์ขานพาฆุธสานนิกพานฮิ์าวา พราสุן
   (ฃ) จงตาพิฃานริสิารัสาธสาเมฆ มาณพาษณ มณิสราณ์สราณ์รานสิ่า ผูลมพา
- (៣) ၎รัสาตูรสาชอายิาสุรารัสาญธสาวตุสาน พร.ส. รรัสาตูรสาชอา

- र्घेगा'र्'र' (म) र्पन्'सुरू'श्वरायदे'र्पन्'रहेंद'र्'र'गुडेगामर र्येरू'प्रसुद्व'दन्'नदे'भुभ'
- (୩) લુંખીયાં વર્ત્સ યાજાભાલું પ્રવર્ત્સ પરિત્વર્દ્ધ સુરુદ્ધ સુવ છેનું સુવ છેનું સુવ વિવયાં

- (a) upon consideration of the arguments and evidence presented in the request; and
- (b) after consultation with the Competent Authority.
- 70.4 If the Committee determines that the Competent Authority committed an abuse of discretion in the determination of non-compliance, such determination shall be rescinded and the conditions shall be deemed complied with.
- 70.5 If the Committee determines that the Competent Authority did not commit an abuse of discretion, the determination of non-compliance shall remain in effect as provided in Rule 69.
- 70.6 For purpose of this Rule 70, the Competent Authority commits an 'abuse of discretion' in a determination of non-compliance if the determination:
  - (a) lacks an observable basis or is otherwise arbitrary;
  - (b) is based on disregard of a material fact or a material mistake of fact; or
  - (c) was taken in material violation of the rules set out in Rules 67 through 69.

### 71 **Default by the Respondent**

- 71.1 Debarred party shall be deemed not to have complied with the relevant conditions for non-debarment or for release if the debarred party fails to:
  - (a) submit on time an application with respect to conditions for non-debarment; or
  - (b) fully cooperate with any verification of compliance under Rule 69.

- **ૡਸ਼ੑਫ਼੶૾ૼਸ਼ੑੑૹ੶ਫ਼ૢ૾ૡૢ੶૾ૢૡ੶૱ૻઌૡૻૡઽૹ** <sub>ૹૡ੶</sub>૱૾૾૾૾ૼૼઽ૽ૼૢૢૻૣ૾૾ૻૡ૽૾૾૾ઌ૿૾ૻ૽૾૾ૻઌૻઌૻૻૡૻૻઌ૾ૻૡ૽ઌૺૡૻઌૺૡૻઌ૾ૺૡૻઌ૾૾ૡૻ૽ઌ૾ૻૡઌૡૻૡ૾ૺઌૻૻૡ૾ૻૡૻ૾ૡૻ૾ઌ૾ૻૡ૽ૼૡૻ
- <sup>201.9</sup> ୨<sup>-1</sup> ଽ୴ଽ୶ୠ୶୲୴୶ଽ୳ୖ୴ଽ୳ଽୡ୕୶ୄୖୄ୴୶ୖଌୣଽ୲୷ୖ୶୲୴ୢୖ୶୲୴ୠ୶୲୶ୡ୕୶୲୷୶୷୷ୡ୕୶୲୷୶୷୷ୡ୕୶୲୷୷୷ୡ୕୶୲୷୷୷ୡ୕୶୲୷୷୷ୡ୕୶୲୷୷୷ୡ୕୶୲୷୷୷ୡ୕୶୲୷୶୷ୡ୲୷ୡୢ

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71.2 Such determination of non-compliance by the Competent Authority on ground of default shall not be subject to review.

### 72 Imposition of Sanctions on Affiliates

- 72.1 When a debarment is imposed on a respondent, appropriate debarment may also be imposed on any of the respondent's affiliate.
- 72.2 If the Evaluation Panel places an affiliate on an interim suspension and/or recommends the imposition of a debarment on the affiliate, the Evaluation Panel shall provide such affiliate with a copy of the relevant Notice in accordance with Rule 84.
- 72.3 Such an affiliate shall have procedural rights hereunder equivalent to those of the respondent, except that any preliminary explanation, response or other formal submission shall be consolidated with that of the respondent.
- 72.4 The Committee or the Evaluation Panel may, notwithstanding Sub-rule 72.3, determine, as a matter of discretion, to permit an independent submission.

# 73 Successors and Assigns

- 73.1 Any debarment imposed shall apply to the debarred party's successors and assigns, as determined by the Committee Secretariat.
- 73.2 A party affected by such determinations may appeal the same in accordance with Rule 70, with the necessary modifications; provided, however, that no such appeal shall stay or otherwise affect determinations of eligibility taken by the Central Agency in accordance with its operational procurement policies prior to the Committee's decision.

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# 74 Effect on Existing Contracts

- 74.1 A suspension or debarment of a respondent under these Rules may not affect an existing contracts, sub-contract, license, or non-procurement transactions at the time the respondent was suspended or debarred unless they are terminated for default or for convenience under separate provisions of these Rules.
- 74.2 If the Committee believes that termination of contracts, sub-contract, license, or non-procurement transactions with a respondent that are in existence at the time the respondent is suspended or debarred is in the best interests of the public agency, the Committee may recommend actions necessary to terminate those contracts or non-procurement transactions only after consultation with the concerned public agency.
- 74.3 The Committee shall not recommend renewal or otherwise extension of the duration of contracts, sub-contract, license, or non-procurement transactions in existence at the time of suspension or debarment with suspended or debarred respondents unless the Committee determines that such renewal or extension is in the best interest of the public agency.

पर्नेतेयद्मग्रेण तुरुण्लम्गर बेख्य्त्वियद्धरण्रेर्नेवयुग्वत्वगर्मे 26.2 ุ สุธุลาสิ่ารุรา สิ่าสุรานสาลิ่าที่ จิสาธิเวนปีลามีเกาะการเราสรารามสายการ รูราสสาร 26.3 

ลิ ละสาง จานาอลร์ร์ร่าวจาลร์จาร์รา <sup>઼</sup>ڛႃၜ႞ႜၛႃၛၟႜၛၟၟၛႄႜၛၟၟၴၣၓ႖ၣ႞ၰၴၣႜဎၸႝႚၛႄၛႄၛႜၛၣၛႋၛၟႚႍၟၟၛႜႜၛၟၛႜၛၟ႞ၰႝၛႄ႞ႜၜၴၣႜၛၭႜၜၴၴၣၛၣႚ 26.1 શ્રે'અર્ગ્યો'નફળ'ન્દુનુ'વનન્દ્રને' અર્લ્સ વર્ડ્ડ વર્કો દ્વેવર્ટ્સનું, નગાયા અલે કે દેન- અર્લ્સ

<u>ุรุ</u>ฆ<sup>,</sup>ผฺสูสฺ,ฅฺลิ์;ๅฦิ์ม นत्रिभे में (र्हेन:हु: यन्त्र यगतर्मेग्रंग) गीयम् में तर्ह केंगश्च स्वर्मा ग्रेश्वर्मा गर्गन् นदिःभुष्याय्ययाः क्षेत्रा श्रम्या गी त्र प्या मिन् भुः के गुरु कु र दु र के तथा या गा क दे में ने या 

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- รัราสา แกรง เล่าสาร์กางการกา สกรรการปรา (끼)

ৰন্দ্ৰ <u>સુ</u>ત્રસ્વવ્રત્યું નગાવા અવે કે ને નગી ગાવ કે સુંત્ર વ્યવન ગાવના અને આ પ્ર

क्तुत क्रिंग् न गणगणेत राष्ठ्र न गो।

ᠴ᠋ᡢ᠋ᡎ᠋᠊᠋᠋ᢍᡘᢪ᠍ᡱᡝ᠋ᠫᢆᠴ শালীস্মর্ন্তগ্রশান্ধা ૹ૾ૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼૼઌ૱ઌ૱ૹૼૼૼૼૼૼૼૼૼઌૻ૾ૡ૾ૻ૱૾૾ૡૻ૽ૼૼૼૼૼૼૼૼૼઌ૾ૻૡ૱૱ૹ૽ૢૼૼૻૹ૽ૼૼૼૼૼૡ૾ૻૡ૾૾ૡ૾ૻૡ૾ૻૡ૾ૻ૱૾ૻૡ૾ૻ૱ૻૹ૾ૣ૽ૼ૱ 

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# CHAPTER XIII DISCLOSURE OF DETERMINATIONS

### 75 **Debarment Register**

#### 75.1 Establishment

The Committee shall establish, maintain, and operate a Debarment Register, whether manually or the web-based form, as a central database within the Ministry of Finance.

#### 75.2 Contents

At a minimum, the Debarment Register shall indicate:

- (a) the name and address of every respondent or an affiliate;
- (b) the reason for sanction of every respondent or an affiliate; and
- (c) the date, period and scope of each sanction.

#### 75.3 Periodic Update

The Committee Chair shall cause the Committee Secretary to enter the information about the excluded person (respondent, or affiliate), including an interim suspension into the Debarment Register within five days after its decision.

#### 76 Public Access to the Debarment Register

- 76.1 In the event of a manual form, the Debarment Register or copy thereof shall at all times be made available for public inspection and copying during regular office hours.
- 76.2 The Committee shall establish procedures to provide for the effective use of the information contained in the Debarment Register to ensure that a public agency does not do business with a sanctioned party.
- 76.3 The full text of the Committee's decisions, as well as the determinations of the Evaluation Panel in uncontested proceedings, shall be publicly disclosed.

୶ଵ୕ୣୄ୶ୄ୵ୄୢୄୠ୵ୄୖୄୢୄ୰୲ୖ୴ୣ୶୲୵ୖଽ୕୶୲୵୲ୖୄୡୖ୲ୖ୶୵୲ <sup>°</sup>गैश्र' महे<sup>-</sup>श्रॅन्स'यमन'वे'खु' मगाग'यद्दैव' अन'व' मगाग'नुब'यमन'वे'बेन'बे'पर्न'अन्' गुथ'श्चेन' नहेर्श्वेन्द्रत्वन्द्रकेंगप्य केवर्णका

<u> के</u>दायःउदाम्रीयेगान्द्रिः पगायान्ववयान्न्रस्थ ત્યેતુ.13 য়ৢ৾৽য়ঀয়৾৾য়৾৾৾ৼয়৾৾৽য়৾য়ঀ৾য়৾ঀয়৾৾৽য়৾৾য়৾

- ร้านสูงเขณินที่ๆรรังเฉล็นเพิ่า สีนารยุร พรส รัรานอิราณารุฬารุนรานสีสา ขข.ว ૡૢૼ૽ૻૼૼૺૡ૾ૻૡૻૻ૾ૡૢ૾ૼઽૻઌ૽૿ૺઽૢઽૼૹ૽૾ૡૺઌ૿ૻૻૻૹ૾૽૱ઌૢૻૹૻઌૣૡૹૻઌ૽ૼઽૻૡ૽ૼૺ૾૾૱ૹ૽ૢ૽ૺૡૻઽઽઌૻૡૹ૾૾ૡ૽ૻ૱ૻ૽ૡ૽ૼૡૻ૽ૹ૽ૼૡૻ૽ૹ૽ૼૡૻ
- ้ ग[ณาริโรา สิ้ท พาสูราที่ รูราสิสานิทาส์ราทีพา สร้าจสูมาสจรามีาร้า ท[ดูราทีามยสา ขข.ๆ ੶ଽୖ୕୶ୄୄୄ୳ୖ୲୶୶<u>ୄ</u>ୖୢୄୡ୲୴ୄ୕୵ୡୖ୳୳ଵ୶୲୳ୖଈ୲୳ୖଌ୶ୖ୷ୖଌ୕୕୕ୖ୕୶୶୶ୄଌ୷ୖୖୄ୴ୢଽ୷ଌୖ୶ୖ୴୴୲ଌ୕୷ୖ୶୶୲ୄୠ୶୲ /พราสา รุษิเดิวาตัสาซ์สาหาญาวรู่กุลาพันรามนิพิการรัสาสู่ สูญาพีรุงา พราสา নর্ন্রি'ন্র্মা

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# 77 Sharing of Materials with Third Parties

- 77.1 If the Committee Secretariat determines that doing so would be in the best interests of the Government, the Committee Secretariat may at any time make materials submitted by the Commission, the Central Agency or the respondent to the Committee and/or the Evaluation Panel available to other investigative or prosecuting authorities, whether national or international.
- 77.2 Such investigative or prosecuting authorities who are the recipient of such materials must agree to keep the materials confidential on terms and conditions acceptable to the Committee Secretariat.

# 78 Withholding of Sensitive Materials

In determining whether to approve the sharing of information under this Chapter XIII, the Committee Secretariat shall consider, among other factors, the standard for withholding sensitive materials set forth in Rule 43.

### 79 Sharing of Investigative Materials

For avoidance of doubt, nothing in Chapter XIII shall prohibit or otherwise restrict the ability of the Committee Secretariat to share information obtained by the Commission or the Central Agency in the course of an investigation with parties identified in Rule 76 if such information sharing is permitted by its policies and rules.

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- માન માન્ય ૨૦.2 ગાલુ ન્યો પ્યત્વ ગાય તે અથવ તે તે તે પ્ય ૪૦.2 ગાલુ ન્યો પ્યત્વ ગાય તે અથવ તે તે પ્ય ૪૦.2 ગાલુ ન્યો પ્યત્વ ગાય તે પ્ય ૪૦.2 ગાય તે પ્યત્વ ગાય તે પ્ય ૪૦.2 ગાય તે પ્યત્વ ગાય તે પ્ય ૪૦.2 ગાય તે પ્યત્વ ગાય તે ગાય તે પ્યત્વ ગાય ગાય તે પ્યત્વ ગાય તે પ્યત્

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# CHAPTER XIV SETTELEMENTS

#### 80 Stays of Proceedings

- 80.1 In the best interest of the Government, Central Agency may, at any time, settle a debarment or interim suspension, if a respondent and the Central Agency agree to a voluntary exclusion, such voluntary exclusion shall be entered into database.
- 80.2 At any time debarments proceedings, the Commission or the Central Agency and one or more respondents, acting jointly, may request the Evaluation Panel for a stay of proceedings for the purpose of conducting settlement negotiations.
- 80.3 An initial stay of proceedings may be granted for no longer than fourteen days, but may be renewed upon request by the Commission or the Central Agency and the respondent, acting jointly, for another ten days, together with written confirmation by both parties that they continue to be actively engaged in settlement negotiations.
- 80.4 Such requests for a stay of proceedings shall normally be granted.
- 80.5 All time periods specified in these Rules shall be postponed or suspended during the pendency of a stay of proceedings.

#### 81 Submission and Review of Settlements

- 81.1 At any time prior to or during debarments proceedings prior to the issuance of a decision by the Committee under Rule 57, whether or not a stay has previously been granted, the Commission or the Central Agency and one or more respondents party may submit:
  - (a) a signed copy of any settlement agreement to the Evaluation Panel for review; and
  - (b) a certification by both parties that the respondent entered into said agreement freely and fully informed of the terms thereof, and without any form of duress.

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पत्त्वाप्रश्चमाम्बन्कुत्रेमब्दन्स्र 49.

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ন্দ:গ্র্রিন্দর্শা गृथाश्चेन् न्द्रे दियां ग्रेंशा के गृशा प्रत्या प्राया मात्र के प्राय के प्राय के प्राय के प्राय के प्राय के प หร้าหัรัส เช่ล นาณพา $_{ao}$  มหิราทัศพารัสาณพาหาณานาท พระสา มองหนิงๆ: ચલે ૅ ત્ર ત્ર ત્ર તે તે નું સંસ્થા वर्नेवें'ब्रन्ग्येश्व'र्न्ब'र्बब'<sub>५०.१</sub> *भरः* र्रेन्:ज्ञुःगी:रत्त्वेश्व:र्घगाःपश्च:पत्तः गवःकुतिःगवशःक्वेगःकुं:भुः'न्देव:न्पत्ः ฑุราพราสิรานรา ฑุสาฐานส์านส์หาสิลมาสิรมรัสาทุพณาณุฐรามาธิสา รุษิาตินาทัพ २ भेर महर र्मी

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୵୳ୄୢଽୡ୲୵ଽ୕ୖୢଈ୩୲୕୩୲୕୩ୡୄ୲ୄୢୄୢୢୄୠ୵ଽୖ୴୵୳ୖ୳୶ୡୄ୶ୖଌ୕୩୲ୄଌ୕ୢ୲ୖ୳୰ଡ଼୵୷ୖଡ଼୲୵ଽୖୖୄ୵ୡୖ୲ଽ୕ୣୡ୲ଌ୕ୡୄ୲୰୶ୖ୴୶୲ นาทิ ๅๅที่ๅ๛ๅๅ๎สานพาวทุณาาฬาุๅ๚฿๙๗๛ ฑุฦสาวทิณาาล์านติสุมาณพา ข๐ รร กระพฏิกุลาฏิสูาณสา ผูลาธิกุลา พระสา แลาลิเราระ รีราสาญ สณา ูลขั้ยทุฬาหารา ๗๙.สูาเวริาณฑาณิสาวสุมาสิ่า พราสา ๗ณาซิราพ์าส์หาเพิสามาชิสา ๗๙ ૹૄૢૻૢૡઽ<sup>੶</sup>ૹ૾૾ઽૢૻઽઌ૽ૼઌૢૼઽઌ૾ૻઽઽઌ૱૾ૺૹૻૹૻૻ૱ૹૻઌ૾ૡૹૻૻૡ૽ૻૡ૽ૻૡ૽ૻૡ૽ૻ૱ૡૹ૱૱ૡૻ૽ૼ૱ૡ૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱

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- ઞર્ગેન પ્પેન પારે ફેંન ગાલે ગાન રુદ્ર સુવાય શુદ્ર શ્રે ગાલ ગા તે એ તે પ્યત્ર દેં ગાય સુદ ગો પર્દ્ર ત 37.9
- ને નગ્રુઢા અવે ગાયા બુગર્ડ ગાયા છે. ગાયા કે સાથ પ્રાપ્ત સાથ પ્રાપ્ત સાથ પ્રાપ્ત સાથ પ્રાપ્ત સાથ સાથ સાથ સાથ સાથ 32.3

- 81.2 Such submission shall automatically stay debarments proceeding then pending with respect to any case or cases so specified in the settlement agreement, including any proceedings before the Committee.
- 81.3 The Evaluation Panel shall review the settlement agreement to ensure that the terms of the agreement do not manifestly violate Rules 67 through 70.
- 81.4 Upon confirmation by the Evaluation Panel that the terms of the settlement agreement do not manifestly violate Rules 67 through 70, the Evaluation Panel shall impose the debarment therein stipulated and promptly inform the Commission, or the Central Agency and the respondent thereof, whereupon the agreement shall become effective immediately or, if different, as of the date specified in said agreement.
- 81.5 If the Evaluation Panel finds that the terms of the settlement agreement manifestly violate Rules 67 through 70, or that, notwithstanding the certification provided under Rules 80.1, the respondent did not enter into the settlement agreement freely and fully informed of its terms, the Evaluation Panel shall promptly inform the Commission or the Central Agency and the respondent thereof, whereupon the agreement shall be terminated without prejudice to either party.

### 82 Effect of Settlement Agreements

82.1 If the settlement agreement provides for the definitive disposition of the case, wholly or partially, subject to sanctions proceedings, the case or such part thereof as the agreement may specify shall be closed as of the effective date of the agreement or, if different, the date specified in the agreement, on such terms, including the imposition of such debarments on the respondent, as may be stipulated in the agreement.

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- २९९ १९९२ मा २९ १९९३ २११ २११ ११॥ २९४५ यादाक्वरिवरार्धेया खुप्तायायया खेप्ता रेभेंदा राजा गिर्मा मक्षुव: ईर्द्वा योषा कक्वेवर्त्तर यावर्ष्य क्वेया खुप्यावर्ष्य पर्वे प्रयाया क्वय्याया यात्र यावर्ष्य क्वेया खेप्ता क्वय्या क्वय्याया यात्र यात्र यात्र यात्र यावर्ष्य क्विया खेरा याद्र यात्र यात् यत्य यात्र यात् य यत्य यात्र यात्य यात्र
- 82.2 If the settlement agreement provides for the deferral of proceedings for a period of time pending compliance by the respondent with specified conditions, proceedings shall be deemed stayed for the period specified in the agreement, so long as the respondent remains in compliance.
- 82.3 Unless the agreement otherwise expressly provides, upon expiration of the deferral period and compliance by the respondent with all conditions specified therefore in the agreement, the case shall be closed.
- 82.4 All statute of limitations and other time periods specified in these Proceedings shall be postponed or suspended during the pendency of such deferral.
- 82.5 Unless the settlement agreement otherwise expressly provides, compliance by the respondent with the terms and conditions thereof shall be deemed conditions for release from debarment or conditions for non-debarment, as the case may be.
- 82.6 If a settlement agreement is to become effective prior to the commencement of sanctions proceedings, the terms of the agreement shall have the same effect as if debarments proceedings had been commenced and concluded with the outcome, including the imposition of such sanction on the parties thereto, as may be specified in the agreement.
- 82.7 Any other term of the settlement agreement shall be given such effect as may be specified in the agreement.

## 83 Compliance with Settlement Agreements

83.1 Unless the settlement agreement expressly provides otherwise, all determinations as to the compliance by the respondent with the terms and conditions of the settlement agreement, and any controversy between the parties as to the interpretation or performance thereof, shall be taken by the Commission or the Central Agency, subject to a right of appeal in accordance with Rule 70, with the necessary modifications.

83.2 In case of settlement agreements providing for a deferral of proceedings under Sub-rules 81.2 through 81.4, if the Commission or the Central Agency determines that the respondent has violated the settlement agreement, the case shall be re-opened and resume at the point at which it had been deferred.

- બન્સ નક્ષેને બાલ્યો જાય તે મુખ્ય તે છે. તે બાલ્યો બાલ્યો છે. તે બાલ્યો બાલ્યો બાલ્યો છે. તે બાલ્યો બાલ્ય બાલ્યો બાલ્ય બાલ્યો બાલ્ય બાલ્યો બાલયો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલયો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલયો બાલ્યો બાલયો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલયો બાલયો બાલ્યો બાલ્યો બાલ્યો બાલયો બાલયો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલ્યો બાલયો બાલયો બાલ્ય

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# CHAPTER XV MISCELLANEOUS PROVISIONS

#### 84 Issuance and Delivery of Notices and other Documents

- 84.1 A Notice, reply or any other document required or authorized to be issued shall be deemed issued to the respondent on the date it is:
  - (a) delivered a copy thereof personally or by leaving it with some adult person at the last known place of residence or business of the person on whom it is to be served;
  - (b) deposited in the mail or with a courier service by the Evaluation Panel or Committee Secretary; or
  - (c) by sending it by registered post addressed to the person on whom the notice is to be served at his or her last known address.
- 84.2 The Committee may issue detailed rules regulating the delivery, including constructive delivery, of notices, replies and other materials to the respondent.

### 85 Submission of Explanations and Responses

Explanations, responses and other materials shall be deemed submitted to the Committee or the Evaluation Panel on the date they are actually received by the Committee Secretary or the Evaluation Panel, as the case may be.

### 86 Means of Delivery or Submission

- 86.1 Documents may be delivered or submitted by mail or courier, or in person.
- 86.2 The Evaluation Panel or the Committee Secretary may, in their discretion, accept submission of materials by electronic means.

- ୩) ឪ<sup>·</sup>·དང་འཐྲེལ་བ་ལོད་པའི་གྱ་རིམ་ནང་ རོོད་གྱོ་ལུ་བས্ඍབ་གྱ་འཐྱིན་ནི་ མང་ན་ རོ་ ཆོབ་འབད་ནིའི་ོན་ལུ་འཐིལ་གོོོགམ་ལོད་པའི་ རྒྱ་ལུ་བསྲྲི་ལགོ་མི་ལུ་ད་ འདི་བགུམ་ མའི་རྒྱབ་མི་དང་གརིག་འར་རོོད་གཞི་གྲོམ་བསྲུར་འབད་དགོཔ་འདི་ཡང་ གལ་ སྲིད་ རྒྱབ་མི་གིམ་ གྱ་རིམ་འདི་དང་འགྲེལ་བའི་ཐོའིཆ:གམ་ ཡང་ན་ གོར་མི་འབད་ རྒྱུ་ གགན་འགྲེལ་གྱི་མི་རོགངརྲུང་ལུ་ ཕྱིར་བགད་ ཡང་ན་ གོམ་བསྲྱུར་མི་འབད་ ནྱོ་ གགནན་འགྲོལ་ཕིན་སིན།
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- $x_{n,0}$  ปลา  $x_{n-1}$   $x_{n-1}$

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## 87 Determination of Date of Delivery or Submission.

- 87.1 The Evaluation Panel or the Committee Secretary, as the case may be, shall decide if there is any doubt as to the date as of which a document should be deemed as delivered or submitted.
- 87.2 The Evaluation Panel or the Committee Secretary's decision shall be final and unappealable.

# 88 Confidentiality

- 88.1 Neither the respondent (including any affiliate thereof) nor the Commission, the Central Agency, the Committee, the public agency or Secretariat shall disclose to, or discuss with, any third party any part of the record, or information relating thereto, except as provided in this Rule.
- 88.2 The Respondent may disclose any part of the record in its possession in accordance with this Rule:
  - (a) to legal counsel engaged for the purpose of representing or advising the respondent in the proceedings to which the record relates, and discuss the case with such counsel, provided that such counsel agrees that it shall not disclose to, or discuss with, any third party any part of the record, or information relating thereto;
  - (b) as required by an order of any court of competent jurisdiction, including pursuant to any procedure for the discovery of documents in proceedings before such court, or pursuant to any law or regulation having the force of law to which the respondent is subject.
- 88.3 Except as provided in Sub-rule 88.2 (a) above, the respondent shall provide the Commission or the Central Agency and the Committee or the Evaluation Panel, as the case may be, with fourteen days prior notice of any such disclosure.
- 88.4 The Committee Secretariat may disclose materials and other information in accordance with Chapter XIII or as otherwise permitted by its policies and rules.

	รุษาย์ขารุณาสะีสาวารสา ผิมพายุสา พราสา รรรมสิลายิ่าสาร์รญาข์ไ
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	<b>ૡર્વે ૡ૿ૺૢૢૢૢૢૣૣૣ</b> ય" ૽૾ૺૠૼ૱૾ૺૡઽ૾ૺૺ૾ૡ૱ૡ૾૾ૡૺઽ૾ૡૻ૽ૼૡ૽ૼૺૢૼૡૻૡૼૡૻૺૡૻૡૢ૽ૡ૽ૼૺ
6.64	"สิ่าจนิ่าสุสาชีร" ลิรามานร์ รุกรสมารสายานิยายายายายายายายายายายายายายายายายาย
	นิมพาดิจาร์สีทุพาษุาทิพา กนูลาร์รา ทัพาร์รา กรุมากขา พราลา รามสา สัรา
	ସଞ୍ଜୁଭଂକ୍ରି ଅଂସଂର୍ଣ୍ଣ ଭ୍ୱ' କିଂସନ୍ଦିର୍ଦ୍ୱ ସଂସମ୍ବାଦାର୍ହି ୩ <sup>°</sup> ଭାରଣ କିଂସନ୍ଦି ମୁକ୍ର କିଂସନ୍ଦି ସ୍ଥାନ

- નગામાં ર્શ્વેસ નરત લેસસ ભુર્ગો <sub>(\*0-૧</sub> **" મેગ્લેન"** લેન સે પર્વે નરત હેસસ વન પ્રદેશ મેં ને વે તે સુન નુન છે તે હ

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- 88.5 Violation of Rule 88 (whether by a respondent and/or its affiliates, or by legal counsel thereto) shall be:
  - (a) an aggravating factor in determining an appropriate sanction if the violation is brought to the attention of the Committee or the Evaluation Panel during sanctions proceedings; and
  - (b) a separate basis for sanction, if the violation comes to light after the conclusion of sanctions proceedings.

### 89 Amendments

- 89.1 The Commission may amend, supplement, or otherwise revise these Rules at any time, with or without notice.
- 89.2 Any such revision shall be effective as of the date of adoption thereof by the Commission and shall apply to the proceedings for which a notice is issued after such date.

#### 90 **Definitions**

As used in these Rules, the following terms have the following meanings:

- 90.1 "Act" means the Anti-Corruption Act, as amended from time to time;
- 90.2 "Advantage" has the same meaning as in the Act;
- 90.3 **"Affiliate"** means any legal or natural person that controls, is controlled by, or is under common control with, the respondent, as determined by the Commission or the Central Agency;
- 90.4 **"Causes for debarment or sanctionable practices"** mean any act which constitute causes for debarment under Chapter II of these Rules.
- 90.5 **"Central Agency"** means the Construction Development Board as established, in relation to works and services, Public Procurement Policy Division of Ministry of Finance in relation to goods and supply and Ministry of Economic Affairs in relation to license and **"Central Agency Head"** means the head thereof;
- 90.6 **"Civil judgment"** means the disposition of a civil action by any court of competent jurisdiction or tribunal whether entered by verdict, decision, settlement, or otherwise creating a civil liability for the wrongful acts;

વલુવ ર્ઠેન ભુર્ગો

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ૡૢૼ૽ૻઽૹૢૢૣૣૣઌૹૻૻૹૻૡૢૼૼૼૼૼૼૼૼૼૼઌૹૻૻઌૻ૱૽ૼૹૻૻઌૹૻૻૡ૽ૻઌૹૻૻૡ૽ૻૡ૽ૼૡૢૼૡૢૼૼઽૼૡૻૻૹ૾૾ૡૢ "ฯ฿ัส ๊เซิลฟ" ลิส พิเวร์ รายสสุขายสามสิพาซิสารยรายาซิ ซิมพาวรุสายกา સુદ્રથીયા કેયાર્કે નું છે કેયાવથાયાયું વલુવાર્ઠે નું થવા અન્ય અને સંવર્તે નું સે નું સ્વર્યે નું સે નુ સે નુ સે નું સે નુ સે નું સે નુ સે નું સે નુ સે નું સે નુ સે નુ સે નુ સે નુ સે નુ સે નું સે નુ સે નુ સે નુ સે નુ સે ฑพณาดู นริพาริ พพณาดู นาราช์พาณพาทุสรณ์รามราธิ พระพิ ารัสานิมพาซิ

- **"न्वापर्द्व"** नेरन्धेर्वरः (ग) यतुर्द्धवर्ष्वेषायदेषां प्रथा पर्द्वरर्भ्रुतः अन्तुः ସମ୍ଦ୍ୟୀମ୍ମସମ୍ୟସମ୍ପ (ଲ) ସ୍ଥର୍ୟାର୍ଜ୍ଧର୍ନ୍ତ୍ର ଅର୍ଥ୍ୟରି ଅର୍ଜ୍ଜି ସିନ୍ଦ୍ର ମୁନ୍ଦ୍ର ସ୍ଥର୍ନ୍ ସିନ୍ଦ୍ର ସ୍ଥର୍ନ୍ତ୍ର ସ୍ଥର୍ମ Narasara, ल्या. (२) ईंट्राञ्चाग्रेगार्ट्रग्रेंग् ल्या. ल्या. क्या. क क्या. क्य ୄୠୣୣୣୣ୰୲୵୲୶୶୕୩ୖୖଢ଼୲୳ୠୢୄଽ୶୶୵୵୳ୖୡ୵ୖୢୄୖଢ଼୲ୄୠ୲ୖୡଽୠୄୖୢୄୠ୷୵୰୶୲ୄୠ୶୶୲ୣ୵୵୵ୖ୳ୣ୶୲ୣ୵୳୵ୖ พรสา ณพายิรมาทร์วัจรู้ รที่รพาช์ทุ พรสา รทุทาธิสรรณีรานสา รัรเลา รระจริ์ทานธรามา พราสา ธานรษาลิารที่ระเทิญ พราสา จาทุฑาธานจราจนี้เดูณา ุณพ. จอตะพิฑาพฑาพิสาวยจาสิาพพาสูรายจพ. พราสา จอตะพิฑาฑิารุฒิฑพารัสา
- 0.11 ระรุรัสเข็ายรา พลาญญาที่ พราสา นิมสารรา จริสานิๆ พราสา มูิทาทุลา 10.93
- ૡ૽૿ૺૡદ૾ૼૡૡૢૻૹ૽ૼૡ૾ૺ૽ઽૺૡૹૻ**૾૾૾૾ૼઌૹ૱૾ૡ૾ૼૼૼૼૼૼૡ૱ૡૢૼૼૻઌ૽૿ૡૡૢૹૹ૾૾ૺ૿**૽૽૱ૻૹ૾ૺૡઽ૽૾ઽ૱૽ૢૺૡ૽૾ૺૡૹ૽૾ૼૼૼૼૼૼઌૹ૾૽ઌ૽૿ ત્રઘુષા સે સે ગર્સે માત્ર ના ત્વા ત્વર્ન સે ત્વુષા સે સું સાવ સે ગરના વાલ સે ત્વુષા સે ગતે ત્યું માં
- **લે વદેવ**" કેર સે વર્ડ રેલે લે વદેવ છું ગો 0.10
- ઞરત સમ્યતગાલત શૈગ્ર ત્ર સંયત્વ સાલ સાથે સંગ્લુ સંગાળ સાથે સંગાળ સાથે સંગાળ સાથે સંગાળ સાથે સંગાળ સાથે સંગાળ સાથ ૡૢૼૡ<sup>઼</sup>ઐૡ<sup>੶</sup>૽૾ૢ૽ૺઽઐઌૹૻઽૼૼૡૻ૱ૹૣૢૻૣૣૣૢૢૢૢૢૢૢૢૢૢૡૻૹ૽૾ૡૢ૾ૺૹ૽ૻૡૢ૾ૺૡૢ૾૾૽ૼ م.0م
- तेःश्चे<sup>.</sup> तहेगरुःश्चरःश्चेंतः से. भुः गी 0.3
- **"નર્કતૃ'નક્ષુભ'શૈ'9:5'ન'**" કેર એ'વર્ન 'શૈઅ'નુ રાખેતું ર્ફું હું ભારીતું શૈં ભારત્ય વૃત્યું ગુરું '' لە.0م त्वन् म्वन्भः भुः वन्गानः भनवः वक्तुनने अभवग्वन्तरु भनवः अभवः भुः कृत्रेभः ญ จุณฆ ธิมา พารส ทลิ์ รามาวทุณ สิ พารส จุณฆ ธิมา พารส ทลิ์ รามาวทุณ

- 90.7 **"Coercive practice"** means 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;
- 90.8 **"Collusive practice"** means an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
- 90.9 **"Commission"** means the Anti-Corruption Commission and the **"Commission Chair"** means the Chairperson thereof;
- 90.10 **"Committee"** means the Debarment Committee established under Chapter VII of these Rules and the **"Committee Chair"** means the Chairperson thereof, and the **"Committee Members"** means four Members other than those designated as the Evaluation Panel members;
- 90.11 **"Competent Authority"** for the purposes of Chapter XII means the Construction Development Board as established, in relation to works and services, Central Agency in relation to goods or Public Agencies responsible for implementing laws, Rules, or Regulations violation of which constitutes a causes for debarment under these Rules;
- 90.12 **"Control"** means and includes (a) interlocking management or ownership; (b) identity of interests among family members; (c) shared facilities and equipment; (d) common use of employees; or (d) a business entity organized following the suspension or sanction of the respondent having the same or similar management, ownership, or principal employees as the suspended or sanctioned respondent created after the suspension or sanction in a manner designed to evade the application of these Rules or to defeat the purpose of these Rules;
- 90.13 **"Conviction"** means a judgment of conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of *nolo contendere*;

- $r^{0.3}$  ( $r^{0.3}$ ) ( $r^{0$
- (20.23 **" ୩૫ૻ ર્લેન્ગ હેન્ગ '**ત્સુન બગાન નેમું નાલના 'તેને ને બાન્સુન બહારુંગા) (20.24 **"୩૫ૻ ર્લેન્ગ રહ્ય ગ્રે ગ્રે ગ્ર**ા કેમ એ'વર્ડન સાયવા પ્રસુન વે પાયા રહ્ય બહારુંગા) પિયલ ગાલવ વર્ષે ઘરેન છે. બનાવ વદ્યો વ્યાવ ને સુન રે ગામ કરાય બહારુંગા પે બે ગામ બાન્સુન બનાવ ને બાન્સુન બનાવ ને સુન બનાવ ને પ્રસુન બહારુંગા પાર્સે ગામ પરિ ને મું બે ગામ બાન્સુન બનાવ ને સુન બનાવ ને પ્રસુન બહારુંગા પાર્સે ગામ પરિ ને મું બે ગામ બાન્સુન બનાવ ને સુન સુન બાન્સુન બનાવ ને પ્રસુન બહારુંગા પાર્સે ગામ બનાવ ને બે ગામ બનાવ ને બે ગામ બનાવ ને પ્રસુન બનાવ ને પ્રસુન બનાવ ને બનાવ ને બે ગામ બનાવ ને બે ગામ બનાવ ને બે ગામ બનાવ ને બે ગામ બાળ બે ગામ બે બામ બે ગામ બે ગા
- (0.00) " $\mathbf{f}\mathbf{g}$ : " $\mathbf{f}\mathbf$
- $r_{0.94}$  **"ຈິຊາສະສ**" ສີສະສິາຊີ, ສີຊາຊາຍການເຊິ່ມເຊີ, ເຊິ່ມເຊີ, ເຊີ, ເຊິ່ມເຊີ, ເຊິ່ມ
- (10.1% **"ସେଂଖ୍ରୁମ୍ ଅି:ସ୍:ସ"** ลิสะฟิ: ସେସେଂଞ୍ଜିଷୟାର୍ସ୍ ସେମ୍ବର୍ୟାୟାସ୍ୟୁ ସେମ୍ବାର୍ଯ୍ୟ ସେଥିବା ଅନ୍

- 90.14 "Corrupt practice" means any relevant offense as defined in the Act;
- 90.15 **"Days"** means working days of the Government, unless otherwise specified;
- 90.16 **"Debarment"** means a determination by the Committee, the Evaluation Panel, and/or the the Competent Authority that a Respondent is not responsible and is not eligible to be awarded contracts or otherwise participate in non-procurement transactions. Debarment may also include or consist of a determination that the respondent is not eligible to be a nominated sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a contract, and receive the proceeds of any public fund or otherwise to participate further in the preparation or implementation of any public activity;
- 90.17 "Evaluation Panel" means the Evaluation and Suspension Panel appointed by the Committee Chair under Chapter VII, and "Panel Chair" and "Panel Members" mean the Chairperson thereof and the Members so appointed by the Committee Chair;
- 90.18 **"Fraudulent practice"** means 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;
- 90.19 **"Interim suspension"** means the debarment of the respondent for a temporary period of time during investigation and/or pending the final disposal of debarment proceeding or appeals therefrom, if any;
- 90.20 **"Non-procurement transactions"** mean any programs and activities involving public financial and nonfinancial assistance, but not including procurement programs and activities subject to the Rules;

- ৾ৠ৾ঀ<sup>৽</sup>৻য়ঀ৶৽য়য়<del>৾</del>৾৽য়৾৾ৼ৾৾ৼ৾৾ঀ৾৾৻ৠ৾ৼৢঢ়ৼ৾ড়ৢৼৢৼৼয়ৼঀৼৼৼ৾৾ৼ৾৽য়৾ঀ৾৾য়৾৽য়৾ঀ৾৾য়৾ড়ঢ়৾য়৾৾ড়৾ৼ৾য়৾ ચને તે ભુન્સ ખેનમ સે અથવ ગર્મ ગાય છુન્ સે ભુ ગો "ଶିଂଶମ୍ୟକ୍ଷ୍ୟୁ" କ୍ରିମ୍ରି ଅନିକୁ ଆହିଂଶ୍ରିମ୍ୟୁମ୍ୟ କ୍ରିମ୍ୟା କୁଣ୍ଟା କ୍ରିୟା ଅନ୍ୟ କ୍ରି ଅନ୍ୟ କ୍ରି ଅନ୍ୟ କ୍ର 60.20  $-\int \widetilde{h} \nabla v = \int \nabla v$ શ્રે. શે.અન્દર્ધે ભુન્યાળવા ખેતુ તથન શે. અર્થે સુનાવનન શે.ખય શ્રે. અન્દત વાલુનવી. ๗๚๊ ฺฐา ฌิสานติ ฺฐา ๛ิสาสาร หลิด ฺฐิา ๛าร ฌ๊ ๛พ ฺษิ ฺสู ํฺญฺฑ์ ฺสิ ํๅาร **สิ ฺฆรามส**า
- "**ગ્વેતુપદેંતુ:5્ર્ગ્વેસ્ક્રુગ્રું?** કેર એપર્? ગ્ર્કર્?તું છે કેંગાય્ય અર્દેતુ: કૃગયાં ફેંતુ એપ્લુ: 40.26
- "สิรั" ลิสะมิ'เวรา บองาเซิมพาสราวณ์รานนิ่า ที่ารัสารราช์ทางยรา 10.24
- "મरगोगाय उदा ग्री मुन्द के स्वीयर्ग के स्वीयर्ग () कि मान के स्वीय के स्व p0.20 ୴୳୕୶ ୴୶ୄୖୄୢୡୄୖ୲୷ୖ୶୶୲ଵୖୄ୴ୄଽୠ୳୳୶୳ୖୄୡ୲ୄ୳୲୷ୡୄୖ୲୷୲ *सू*द'लुगश'ग्रि'प्रग'यर्हेन'ग्रिंद'शे'न्द'/ਘद'द' अ'स्व'गदर्'दे'गे'लेन'न्ध्र-'न्द्र्य्य्वेथ'नदे' ୩ୡଽ୵ୖଽ୶ଽୖଡ଼୶ୖ୴ଽୖ୶ୄୄଈୖୢଽଌୖଽ୵୕୳୶ଽ୲ୡ୕୳୳୶ୖ୳୷୶୲୰୷୲୲୲୲୲ୡୖ୲ୖ୴୷ଽ୶ୖୖୖଢ଼୰୵ଽୢଌ୵୲ୡୖୡ୲୷ୡୢଽୄ <u>ને ત્વન</u>્દું તે બુજા નગાવા ઘનરુ છું. કેંદ્ર ગ્રુ વાર્ટ્સ્ પુર તે દુવાય નગ્નુ બ દુવા છું દુવા છ તે છું દુવા છે છું દુવા છે છું દુવા છે છું દુવા છું દુ છું દુવા છું દે છું દુવા છું દુ พรสา ละิยางานราวมิรามิ พรสา (ส) จอลาพิยารรณ์สาริสาร ୩ଜ୍ୱିଂଶ୍ରଂଷ୍ଟ୍ରମ୍ବ୍ୟୁମ୍ନ୍ୟୁମ୍ନ୍ୟୁସ୍ଟ୍ରି କାର୍ଷ୍ୟର୍ଭ୍ୟୁକ୍ରିର୍ କୁର୍ ଅନ୍ଥ୍ୟୁକ୍ରି କରୁ କରୁ ଅନ୍ଥ୍ୟୁକ୍ର ଅନ୍ଥ୍ୟୁକ୍ର ଅନ୍ଥ
- <sup>૱</sup>ઽઽઃૼૼૼ૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱૱ **"୩୫୮୩୫୫୩**" ลิสามิเวา พุกพาร์สารการหูสา ชิงาฮิวิฮิาริมาฮิเวราจุพูณ พกสา 10.23 ๚ุลุฆ พี่จฆ รุ ที่รฆ ซัม ที่ เอรา พูล เล่า
- **"จู๊ฬเฮูสิฮฺริสีมาระารุพูณ"** สิรามิเสรา รุษิเดิราทัศเชี้ยุพาซิสา ผูสาส์ขียุพา พรา ส์ พลาลิาลิาลิสา จิลาสส์ทลาลทุณาพัการณิ จิลาฮาล์ลามลิาฮาลิท พกสา . બેઃવ ગ્વર્ગે ન ખેતું મારે છે. આ પ્રાપ્ત ન બેલું આ પ્રાપ્ત છે. આ પ્રાપ્ત બેલું આ પ્રાપ્ત બેલું ભુગ્ર બેલું બેલું અટલ બેલું બેલુ ૿ઌ૾૿ૣ૽ૣૻૢૻઌ૽ૻૡ૽ૻૢ૾ૢૢૢૼૡૻૺૡૼૡૻૻઌૢ૾ૡૻૻઌૢ૾ૡૻૻૡૻૣ૽૱ૡ૽ૻૡ૽ૻૡ૽ૻૡૻ૽ૡ૾ૻૹ૾ૼૼૼૼૼૡૻ૾ૡૻ૽ઌ૾૽ૡૻ૽ૡૻૻૡૡૻૡૡૡૻૡૻૡૡૡૻૡૡૡૡૻૡૡૡૡૡૡૡૡ
- ર્ઢૈંગરુઃ બન્ડવઃ બરુઃસ્ટ્રેઃસ્ટ્રેઃન્ગુઃ કેરુંગરાં વું અંતર્દ્વારુઃનગાબઃબેંન્ડ્યતેઃનગાવા ઢતેઃસ્ટ્રાં તેુવ નર્ગન્ ર્બેનુપ્યવૈષ્ધેષાઃ ચરુવષ્પેષાં વનૈવેર્વે તે સંત્ર $_{
  ho}$  ચાયશ્ર $_{
  ho
  ho}$  ચવે ત્રત્યાશ્વયાઃ ભૂમ શ્રેન્ 0.22
- "गृत्रशः भ्रूनशः ५ ग्रेन्सः ४ गिगी नदः नभ्रूवः" वेरः श्रे रेदने ५ मुचे विनः ग्रेसः के गर्मा भूवः 10.29

- 90.21 **"Notice of interim suspension"** means the document containing the Commission or the Central Agency's accusations of a cause for debarment issued by the Evaluation Panel to a named firm or individual in accordance with Rules 9 through 11;
- 90.22 **"Notice of sanctions proceedings"** means the document containing the Commission or the Central Agency's accusations of one or more sanctionable practices issued by the Evaluation Panel to a named firm or individual together with the sanction recommended by the Evaluation Panel in accordance with Rules 18 and 19;
- 90.23 **"Notice"** means notice of sanctions proceedings or notice of interim suspension, as the case may be;
- 90.24 **"Obstructive practice"** means (i) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede the Commission or the Central Agency 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 inspection and audit rights of the public agency as envisaged by the rules, guidelines, and standards;
- 90.25 "Person" has same meaning as in the Act;
- 90.26 **"Preponderance of the evidence"** means a proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true;
- 90.27 **"Public Agency"** means the procuring agency using public resources, which enters into a contract with supplier, service provider or contractor for procurement of goods, services, or execution of works or agencies that deals with non-procurement transactions for the Government; and the **"Public agency head"** means the head thereof;

- મરુવ ધૈયા ત્રહું 'નુદ્ર પ્રાર્થિય મર્કે 'મવે યાવ શ્વ કરેનું હું 'શુ' યોં (\*0-૨૦ **"રવ ર્ઢન્ 'ધ્વ પ્યવે સ્રુવ છેન્"** કેર શે 'વન્ને વસે પાર્થેન્ 'સ્નેન્ચ્ય' નેં નું દર્ગ્યા વસ્ય સ્રુદ શ્વ હું 'યો' ર 'શુ' યાલે 'મલ યાય 'ન' કેંન્ ગ્રુ 'વગ યાય છે તે હું 'છે તે વર યાય 'યોને યાય 'નેં સ્રુપ્ શંહ તે 'ધ્વ મંત્રે' ધોન 'છે સંગ્રુ ' 'છે 'ગ્રુ ' છે તે ' પ્રાય પ્રે ' પ્રુપ્ ને ' પ્રિ ' પ્રાય પ્રે ' પ્રુપ્ ' સંગ્રુ ' અર્ઢ વ ધ્વ મંત્રે' ધોન 'છે સંગ્રુ ' ' ' સેં ' ગ્રુપ્ નુ મંત્રે' ' પ્રાય પ્રે ' પ્રાય પ્રે ' પ્રુપ્ મંત્ર ' સ્ટું ' પ્રાય પ્રે ' પ્રુપ્ ને ' પ્રે ' પ્રાય પ્રે ' પ્રુપ્ ને ' પ્રે ' પ્રાય પ્રે ' પ્રુપ્ નુ ' પ્રે ' ગ્રુપ્ નુ ' પ્રે ' પ્રાય પ્રે ' પ્રે ' પ્રુપ્ ને ' પ્રે ' પ્રે ' પ્રાય પ્રે ' પ્રાય પ્રે ' પ્રુપ્ નુ ' પ્રે ' પ્રાય પ્રે ' પ્રે ' પ્રે ' પ્રે ' પ્રે ' પ્રાય પ્રે ' પ્યુ ' પ્રે ' પ્રુ ' પ્રે ' ' પ્રે ' ' પ્રે ' પ્ય પ્રે ' પ્ર ' પ્ર ' પ્રે ' પ્ર ' પ્ર ' પ્ર ' પ્રે ' પ્ર ' પ્રે ' પ્ર ' પ્ર ' પ્ર ' પ્રે '
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- 90.28 **"Respondent"** means an entity or individual alleged to have engaged in a cause for debarment and who has been designated as such in a notice;
- 90.29 "Applicable rules" means the Procurement Rules and Regulations 2009, and includes Standard Bidding Documents, Guidelines, Standards Request for Proposals for procurement and applicable rules of corporations concerning procurement of all kinds of work, consulting services and goods; as may be amended, supplemented, or otherwise revised from time to time, or any latter edition or similar instrument which may replace said Rules, Standard Bidding Documents, Guidelines, and Standards under which a case may be brought in accordance with these Rules; and
- 90.30 **"Sufficient evidence"** means 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 a cause for debarment.
- 90.31 **"Government"** means Royal Government of Bhutan and its instrumentalities.