



EXCLUSION CRITERIA FOR INDIVIDUAL OR COMPANY THATS PLAN TO ENGAGE INTO THE MRC' BIDDING OR RECRUITMENT PROCESSES

The MRC exclusion criteria facilitate the detection of persons and entities that pose a risk to the Mekong River Commission's financial interests. They aim at excluding certain entities or persons from receiving MRC funds or participating in procurement/recruitment procedures, those who fall into either one or few of the below criteria:

- a) The person or entity is bankrupt who is:
 - subject to insolvency or winding-up procedures in which their assets are being administered by a liquidator or by a court in an arrangement with creditors,
 - suspended from conducting business activities, or
 - in any analogous situation arising from a similar procedure provided for under national laws or regulations.
- b) It has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with applicable law.
- c) It has been established by a final judgment or a final administrative decision that:
 - the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs. Or
 - the person or entity by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes a wrongful intent or gross negligence, including any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract,
 - ii. entering into agreement with other persons or entities with the aim of distorting competition,
 - iii. violating intellectual property rights,
 - iv. attempting to influence the decision-making process of the contracting authority during the procurement and recruitment procedures procedure, and
 - v. attempting to obtain confidential information that may confer upon its undue advantages in the MRC procurement and recruitment procedures.

- d) It has been established by a final judgment that the person or entity is guilty of any of the following:
- i. fraud, within the meaning of the MRCS Fraud Prevention and Anti-Corruption Mechanism (“FPAC”),
 - ii. corruption, as defined in Article 3.1 of the MRCS Code of Conduct and Section 2 of MRCS Fraud Prevention and Anti-Corruption Mechanism on the fight against corruption involving officials of the MRCS or officials of Member Countries. Corruption as defined in the law of the country where the contracting authority is located, the country in which the economic operator is established or the country of the performance of the contract,
 - iii. conduct related to a criminal organisation,
 - iv. money laundering or terrorist financing,
 - v. terrorist-related offences or offences linked to terrorist activities, and/or
 - vi. child labour or other forms of human trafficking.

Important notices:

- The MRCS shall reject a given award/contract for any individual/company/organisation that is in one of the exclusion situations established under sections a, b, c, and d.
- If the contract is to be awarded to a person or entity in any of the exclusion situations under sections a, b, c, and d, the award of the contract will be suspended until the recruitment Panel has issued its recommendation.
- Where necessary, the contracting authority may ask all tenderers/candidates to extend the period of validity of their offers accordingly. If the situation of exclusion is confirmed by the Recruitment Panel, the relevant entity or person shall be rejected from the given procedure and the award shall be given to the second ranked tenderer/candidate, or if necessary, the MRC shall cancel the procedure to start over again the tender/recruitment.

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