



Anhang D)

Ärzte der Welt e.V.

GOOD BUSINESS REGULATIONS

A) Preamble

MdM Germany is a non-governmental organisation. Private, non-political, non-denominational and non-profit-making, it was set up in France in 1979 to intervene in countries throughout the world. MdM Germany's vocation is to save lives by combating hunger, disease, and those crises threatening the lives of helpless men, women and children.

These Good Business Regulations are the ground for a professional working relationship between MdM Germany and the suppliers.

They are general regulations valid unless others particular conditions are mentioned in the contract. In case of conflicting terms within documents, the conditions of the contract or tender dossier will prevail on these Good Business Regulations.

B) Principles of the procurement procedures

MdM Germany has transparent procedures to award markets. Essential principles are

- » Transparency in the procurement process
- » Proportionality between the procedures followed for awarding contracts and the value of the markets
- » Equal treatment of potential suppliers

Furthermore all departments/ projects of MdM Germany as well as partners and contractors are obliged to observe and apply the "Principle of Ethical Procurement, which includes:



- a) Humanitarian Organisations, tenderers, candidates and contractors must observe and uphold ethical standards in the procurement and execution of contracts. Minimum ethical standards include the avoidance of child labour¹, and the respect of basic social rights and working conditions based on international labour standards.
- b) Where possible, the ethical standards shall also include environmental considerations and the avoidance by contractors of any connection with a party to a conflict, involvement in the supply or transport of illicit arms and/or land-mines, or involvement in the unethical exploitation of natural resources, in particular sensitive commodities such as precious metals, stones and rare earths.

Usual criteria to select a supplier are:

- » Authorisation to perform the market
- » Financial capacities
- » Economic capacities
- » Technical expertise
- » Professional capacities

Usual criteria to award markets are:

- » Automatic award (the cheapest offer complying with all requirements)
- » Best value for money (price/quality ratio)

C) Misbehaviour, ineligibility and exclusion

MdM Germany considers the following misbehaviour as a valid ground for a systematic exclusion of an awarding market procedure and for the termination of all working relationship and contracts:

- » **Fraud** defined as any intentional act or omission relating to:

¹ ILO defines child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, and interferes with their schooling, by depriving them of the opportunity to attend school, obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work (<http://www.ilo.org/ipec/facts/lang--en/index.htm>).



- The use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of MdM Germany or institutional donors funds
- Non-disclosure of information, with the same effect
- The misapplication of such funds for purposes other than those for which they were originally granted
- » **Active corruption:** to deliberately promise or give an advantage to an official for him/her to act or refrain from acting in accordance with his duty in a way which damages or is likely to damage MdM Germany's or institutional donors' financial interests
- » **Collusion:** the coordination of firms competitive behaviour, with the likely result that prices rise, output is restricted and the profits of the colluding companies are higher than they would otherwise be. Collusive behaviour does not always rely on the existence of explicit agreements between firms, but can also be tacit.
- » **Coercive practice:** harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract.
- » **Bribery:** to offer MdM Germany employees monetary or in kind gifts in order to gain additional markets or to continue a contract
- » **Involvement in a criminal organisation or any other illegal activity** established by a judgement that has the force of res judicata
- » **Immoral Human Resources practices:** exploitation of child labour and the non-respect of basic social rights and working conditions of employees or sub contractors

MdM Germany will exclude from a procurement procedure any candidate or tenderer falling into one of the following cases:

- » To be bankrupt or to be wound up, to have affairs administered by the courts, to have enter into an arrangement with creditors, to have suspended business activities, to be the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations
- » To have been convicted of an offence concerning professional conduct by a judgement that has the force of res judicata
- » To have been guilty of grave professional misconduct proven by any means that MdM Germany can justify

- » To have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country where MDM Germany's mission is operating or those of the country where the contract is to be performed
- » They have been the subject of a judgement that has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests
- » To have been declared to be in serious breach of contract for failure to comply with their contractual obligations in another previous procurement procedure

MDM Germany will not award contracts to candidates or tenderers who, during the procurement procedure:

- » Are subject to a conflict of interest
- » Are guilty of misrepresentation in supplying the information required as a condition of participation in the contract procedure or fail to supply this information