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## Good Business Practices

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### 1. Preamble

Terre des hommes (Tdh) is the largest Swiss children's rights organization. Created in 1960, Tdh provides for a better future for poor children and their communities. The organization has an innovative approach and implements concrete, sustainable solutions.

Active in more than 30 countries, Tdh develops and implements field projects that improve the daily lives of more than 2.1 million children and their families, particularly in the areas of health and protection.

The Tdh commitment is financed with the support of individual and institutional donors, and 86% of the funds are directed to the Tdh projects.

The present Good Business Practices provide the basis for any working relationship between Tdh and its suppliers.

These practices are general mandatory rules unless specific conditions are mentioned in the contract. In the event of contradictory terms between documents, the conditions of the contract or the call for tenders shall prevail over the present Good Business Practices.

### 2. Principles of Procurement Procedures

Tdh has implemented transparent procedures for awarding markets; the main principles are:

- Transparency in the procurement procedure
- Proportionality between the procedures used to award a market and the value of that market
- Equal treatment of potential suppliers
- Preventing conflicts of interest

The common supplier selection criteria are:

- Authorization to sell goods/services in the country
  - Financial and economic capacity
  - Technical expertise
  - Professional capabilities
  - Respect for ethical standards, including child labor
- The common criteria to award markets are:
- Automatic award (the cheapest offer complying with all requirements)
  - Best value for money (price/quality ratio)

### 3. Misconduct, Ineligibility and Exclusion

**Tdh considers each case of misconduct mentioned below as a valid reason to exclude a bidder from a procedure for awarding a market and end any working relationship and contract:**

- **Fraud**, defined as any intentional act or omission relating to:
  - The use or presentation of false, incorrect or incomplete statements or documents, which would result in the fraudulent appropriation or wrongful retention of funds of Tdh or institutional donors
  - The concealment of information, resulting in the same consequences
  - The use of these funds for purposes other than those for which they were originally attributed
  
- **Active bribery**, defined as the deliberate promise or grant of any advantage to any person to act or to refrain from acting in accordance with its duty, in a manner that infringes or may infringe on the interests of Tdh or its institutional donors.
  
- **Collusion**, defined as an agreement between competing companies, which would likely result in higher prices, lower production and increased profits for the allied companies in a way far higher than their natural increase. Collusion is not automatically based on the existence of explicit agreements between companies and may also be tacit.
  
- **Coercive practices**, defined as the harm or threat to harm, directly or indirectly, persons or their properties, in order to influence their participation in a procurement procedure or to influence the performance of a contract.
  
- **Direct bribery**, defined as offering Tdh staff members money or gifts in kind to obtain additional markets or to continue a contract.
  
- **Involvement in a criminal organization** or any other **illegal activity** established by the US Government, European Union, United Nations or any other Tdh donor. Tdh has the obligation to screen tenderers and contractors in order to develop the physical capacity to verify and demonstrate, in particular to its donors, that it does not collaborate with entities or persons on the lists of persons considered as related to criminal activities. Tdh thus demonstrates that the necessary controls carried out and that all the necessary measures have been taken to prevent persons who are on these lists from being paid by organization. Screening is one of the conditions that Tdh must fulfill to be eligible to receive funding from its donors. The tenderers and contractor has the right to access, request a correction or delete of his private data used for screening. He may also at any time decide to object on the purpose of the use of its data. Nevertheless, this last right would call into question its collaboration with Tdh, which is obliged to respect the purpose of the use of the data clearly explained. Tdh is also legally obliged to transmit the filtered data to the relevant government authorities if they request them.
  
- **Practices that do not respect ethical standards**, defined as the breach of Tdh's Global Code of Conduct, in particular the violation of the practice of zero tolerance regarding violations of the

Child Safeguarding Policy and regarding any form of sexual abuse and/or exploitation. Any other violations of labor exploitation, including child labor and the non-respect of fundamental social rights and working conditions of employees or subcontractors won't be tolerated. Any breach of our Global Code of Conduct must imperatively be reported to Tdh within 3 working days.

**Tdh will exclude any candidate or bidder from the purchasing procedure in any of the following cases:**

- Being in a situation of bankruptcy or liquidation, or judicial protection; having entered into an arrangement with creditors, or suspended activities; being the subject of proceedings related to these specific matters, or in a similar situation resulting from a procedure prescribed by the national regulations or legislation
- Having been sentenced for an offense in the exercise of his professional activity by a judgment having the force of res judicata
- Having been found guilty of serious professional misconduct proven by any means
- Not having fulfilled the obligations relating to the payment of social security contributions or taxes in accordance with the legal provisions of either the country in which the company is established, the country of the Tdh intervention, or the country in which the contract will be performed.
- Having been found guilty by a judgment for fraud, corruption, or involvement in a criminal organization or any other illegal activity.
- Having been declared responsible for serious breach of contract for non-compliance with the contractual obligations in a previous purchase procedure.

**Tdh will not award markets to candidates or bidders who are the subject of a conflict of interests during the procedure.**

#### 4. Administrative and Financial Sanctions

When a contracted supplier, a candidate or bidder is involved in corrupt, fraudulent, collusive or coercive practices, Tdh can impose the following sanctions:

##### **Administrative sanctions**

- The fraudulent practices of the supplier may be notified to the competent civil or commercial authorities and will result in the immediate end of any professional relationship with the latter.

##### **Financial sanctions**

- Tdh will seek reimbursement of costs directly and indirectly related to the conduct of a new procedure for awarding a market or call for tenders. The warranty of the offer or performance will still apply if relevant.

#### 5. Information and Access for Donors

The supplier agrees to guarantee a right of access to its financial and accounting documents so that Tdh and representatives of its institutional donors can carry out audits.

The supplier agrees that Tdh carries out audits of its company to ensure they are not blacklisted by its institutional donors, in accordance with the fight against money laundering and the financing of terrorism.

When a contracted supplier, a candidate or bidder is involved in corrupt, fraudulent, collusive or coercive practices, Tdh will immediately inform its institutional donors and provide them with all relevant information.

#### Documents to be submitted by the supplier :

The minimum set of documents to be provided by any company or contractor wishing to work with Tdh are listed below:

- Status and registration of the company
- Mission order or power of attorney authorizing the representative to sign the contract
- Copy of tax registration

**Attention:** Additional documents may be requested for a particular market.

The supplier must also have a minimum of administrative equipment to be able to issue an Invoice and a Delivery Note – and to stamp them.

#### 6. Anti-Corruption Policy

If you believe that the action of a person (or a group of persons) belonging to Tdh does not respect the above rules, you must report it under the reporting policy of Tdh.

To make it possible for Tdh to react, reports must provide the most accurate information possible; your name and coordinates are not mandatory but mentioning them is strongly recommended.

All reports will be treated confidentially, to the extent permitted by law. Tdh will implement all reasonable means to preserve the anonymity of the person reporting an abuse, and to protect this person against possible retaliation.

Reports must be sent to this address: [Each delegation inserts the email address, telephone number or postal address dedicated to these reports] or to [concern@tdh.ch](mailto:concern@tdh.ch).



TO BE COMPLETED BY THE COMPANY SUBMITTING AN OFFER

**DECLARATION OF CONFORMITY AND COMMITMENT**

I, the undersigned.....representative of the company.....  
certifies to understand and be in accordance with the conditions set out in this document.

As the representative and on behalf of the company, I accept the terms of the Good Business Practices of Tdh and I am committed to provide the best possible performance in the following market:

I also certify that the company.....does not meet any of the conditions set out in paragraph III: Misconduct, Ineligibility and Exclusion.

I guarantee, explicitly, that the company.....respects the principles of non-exploitation of children, as well as the social rights and working conditions for any employee or subcontractor.

Date:

Signature and stamp:

**Important Note:** All pages of these Good Business Practices must be signed with the initials of the company representative.