



ACDI/VOCA & AFFILIATES ANTI-CORRUPTION POLICY

REVISED DATE: MAY 2019
EFFECTIVE DATE: JUNE 2019
POLICY 102



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1. PURPOSE

This Policy describes ACDI/VOCA's commitment to preventing fraud and corruption in every aspect our projects. ACDI/VOCA is dedicated to making our employees and all of our partners, donors, vendors, participants, and beneficiaries aware of these prohibitions so that we can prevent fraud, bribery, and corruption and to recognize potential problems in order address them proactively.

2. POLICY STATEMENT

ACDI/VOCA's corporate mission is to achieve better lives for people and communities by increasing economic prosperity and social inclusion. As an integral part of that mission, ACDI/VOCA is committed to conducting our work in accordance with the highest ethical standards. We work to identify and prevent all forms of bribery and corruption as an integral part of our mission. We educate our workforce to identify the early warning signs of corruption and how to prevent it. This Anti-Corruption Policy prohibits all forms of corruption, even in the absence of local corruption laws. It prohibits all corrupt or improper methods to influence decisions in order to induce or reward improper performance of any activity connected with our business.

This Policy specifically addresses the U.S. Foreign Corrupt Practices Act ("FCPA"), the U.K. Anti-Bribery Act 2010 ("UKBA"), and the False Claims Act ("FCA"). The Policy also requires our employees to comply with conflict of interest policies and local anti-corruption laws in foreign jurisdictions where we work.

Any questions about this Policy or any anti-corruption issues or local anti-corruption laws generally should be directed to the Chief Legal Officer at (202) 469-6181.

3. SCOPE OF POLICY

This policy directly applies to all:

- ACDI/VOCA employees, volunteers, including the Board of Directors;
- ACDI/VOCA subsidiaries and their employees, and
- Subrecipients, suppliers, independent contractors, and their personnel.

Complaints regarding any prohibited conduct may be made by any staff member, consultant, contractor, implementing partner, donor personnel, and any other person who may have been subject to prohibited conduct on the part of a covered person in a work-related situation.

Everyone covered by this Policy is required to cooperate fully with investigations into allegations of corruption.

4. ROLES AND RESPONSIBILITIES

The Chief Legal Officer (CLO) has the primary responsibility for maintaining this policy and ensuring procedures are developed to ensure the policy is followed. ACDI/VOCA reserves the right to change and revise this policy as appropriate. Material changes to this policy are reviewed and approved by the president after review by the Executive Management Team/Ethics Committee.

Chiefs of Party and Division heads are responsible for implementing and enforcing this policy in the projects they operate.

Supervisors must take all the necessary steps to ensure employees reporting to them know and follow this policy.

5. DEFINITIONS

“Corrupt Practices” means offering, providing, or accepting anything of value to or from any customer, business partner, donor, government official, or third party in order to secure an improper result or decision for ACDI/VOCA.

“Anything of Value” means any item that has potential value to the recipient. This term should be broadly understood to mean cash, food, luxury items, travel, employment opportunities, access to information or individuals, travel, leniency or favor in discretionary decision making, or any other form of value as perceived by the recipient or offeror.

“Improper” means any action or decision that is based in whole or in part on unethical, prejudicial, illegal, or irrelevant factors in order to influence the result of a business-related matter.

“Government official” can mean any officer or employee of any national, state or local government, department or agency, any political party or official thereof; any political candidate; any employee of a public international organization (United Nations, World Bank)

“Facilitating payments” refer to small payments to government officials to expedite or facilitate non-discretionary actions or services, such as obtaining an ordinary license or business permit, processing government papers such as visas, customs clearance, providing telephone, power or water service, or loading or unloading of cargo.

“False Claims” means knowingly presenting or causing to be presented a false claim for payment or approval; or conspiring to submit a false claim or payment or reimbursement.

6. POLICY PROCEDURES

In order to carry out this Policy effectively, ACDI/VOCA employees, implementing partners, vendors, and their employees and consultants are prohibited from engaging in or failing to take affirmative steps to prevent Corrupt Practices.

All parties subject to this policy are also required to establish proper accounting and record-keeping practices and sufficient internal controls so that compliance with this policy can be audited.

ACDI/VOCA also prohibits all improper payments--regardless of size or purpose--including small or routine administrative payments known as “facilitating” (or expediting) payments.

NOTE: Although there is a narrow exception for facilitating payments under the FCPA, such payments are prohibited under the UKBA and the laws of most countries. Therefore, to ensure compliance with all applicable anti-bribery laws, ACDI/VOCA prohibits any and all kinds of facilitating payments, except for

the very limited circumstances for which written approval must be obtained from the Chief Legal Officer.

Procurement and Grant-related Corruption

As a recipient of federal funds--and as a pass-through entity responsible for handling federal funds--ACDI/VOCA is responsible for ensuring the federal funds we manage are handled properly. Pursuant to guidance in the ACDI/VOCA Procurement Manual and the Grants Manual, all employees are responsible for ensuring that our procurement process and our grant awarding process is free from improper influence in the awarding of federal money. Specifically, ACDI/VOCA employees must ensure that procurements and grant evaluations are conducted with:

1. equal access to information among bidders/applicants;
2. impartial evaluation criteria;
3. equal opportunity to ask questions and seek clarifications;
4. confidence that all proposal and applications are protected from release, and that all confidential information is adequately protected.

Conflict of Interest

No employee/consultant/contractor/volunteer or member of their immediate family shall seek or accept from, or offer, or provide to, a supplier, official, or any other person in a business relationship with ACDI/VOCA, cash, loans, services, pleasure travel, personal discounts, gifts of more than nominal value, employment, or expensive entertainment.

AUDIT AND REPORTING

ACDI/VOCA will conduct periodic internal audits of relevant company operations to help ensure continued compliance with applicable anti-bribery laws and this Policy. It is the duty of all employees to cooperate with—and never interfere with or obstruct—such audit activities or investigations.

Company auditors are expected to act independently, and to liaise with the Chief Legal Officer and the Ethics Committee to clarify any questions related to application of this Policy.

6.1 POLICY IMPLEMENTATION

ACDI/VOCA will implement this policy through:

1. Inclusion of this policy in the Human Resources Manual and the Grant and Procurement Manuals;
2. Incorporation of the policy in on-boarding training for every Board Member, employee, and volunteer;
3. Annual training for all employees and volunteers;
4. Subaward clauses requiring all subrecipients to implement compliant plans;
5. Annual Compliance monitoring;
6. Incident Reporting and investigation through the Ethics System of Record
7. Mandatory Disclosures

7. EXCEPTIONS

As may be required by an individual funder/donor or in accordance with local laws, customs, and concerns for safety of employees, beneficiaries and related parties, local country offices may seek guidance from the Chief Legal Officer and Ethics Committee to develop variations of this policy that are sensitive to local concerns.

8. REFERENCES

MANDATORY DISCLOSURE: FAR 52.201-13 <https://www.acquisition.gov/content/52203-13-contractor-code-business-ethics-and-conduct>

The Foreign Corrupt Practices Act of 1977, as amended, 15 U.S.C. §§ 78dd-1, et seq.
<https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>

The Bribery Act (United Kingdom)
https://www.legislation.gov.uk/ukpga/2010/23/pdfs/ukpga_20100023_en.pdf

False Claims Act https://www.justice.gov/sites/default/files/civil/legacy/2011/04/22/C-FRAUDS_FCA_Primer.pdf