

TMA Sanctions Policy (Abridged Version)



TradeMark Africa Sanctions
Policy (Abridged Version)

Control Version	1.0
Date Published	October 2024 V1
Date Reviewed	February 2025 – V1
Date Approved	March 2025
Sections changed	New Policy

TMA Sanctions Policy (Abridged Version)

Contents

1.	Introduction and Objectives	3
2.	Definition of Terms	3
3.	Sanctionable Practices	3
4.	Sanctioning Procedure (Overview)	4
5.	Range of Sanctions.....	4
6.	Consequences of Sanctions	5

TMA Sanctions Policy (Abridged Version)

This abridged version of TradeMark Africa's (TMA) Sanctions Policy is provided for informational purposes to stakeholders, including suppliers, contractors, and service providers. It outlines the key principles and practices related to sanctions to promote transparency, integrity, and accountability in TMA's operations.

TMA is dedicated to ensuring that its financial resources are used responsibly and only for their designated purposes. This Sanctions Policy outlines the framework for identifying and addressing misconduct by entities or individuals involved in TMA-funded or executed projects;

1. Introduction and Objectives

- 1.1 TMA is committed to ensuring that its funds are used only for their intended purposes and to maintaining high standards of governance. This Sanctions Policy establishes a framework for addressing misconduct by firms or individuals involved in TMA-financed or executed projects.
- 1.2 The policy aims to deter sanctionable practices. , TMA's approach is preventative and corrective, not punitive, and it does not substitute any legal proceedings undertaken by national authorities.
- 1.3 TMA will not contract any supplier sanctioned by TMA donors, the World Bank, or governments with which TMA holds formal agreements.

2. Definition of Terms

- 2.1 **Sanctionable Practice:** Includes corrupt, fraudulent, coercive, collusive, or obstructive practices (as defined in TMA's Anti-Corruption Policy and Supplier Code of Conduct), or persistent poor performance under a TMA contract, such as substandard quality of work/goods or consistent late delivery.
- 2.2 **Sanction List:** A list of sanctioned service providers, contractors, or suppliers, which may be publicly shared on the TMA website. TMA shall check this list before awarding contracts.

3. Sanctionable Practices

Suppliers may be sanctioned for the following grounds:

- 3.1 Engaging in irregular or fraudulent activities as described in TMA's Anti-Corruption Policy and Supplier Code of Conduct.
- 3.2 Failing to comply with conditions in bid or contract documents.
- 3.3 Committing offenses inconsistent with TMA's Supplier Code of Conduct or contravening applicable laws.
- 3.4 Persistent non-performance, including poor quality of work/goods or late delivery in violation of contractual obligations.
- 3.5 Conviction for procurement-related offenses by a competent court of law or a quasi-judicial body recognised by TMA..

TMA Sanctions Policy (Abridged Version)

- 3.6 Conviction for related criminal activities by a competent court or recognized body by TMA.
- 3.7 Sanctions imposed by TMA donors, multinational agencies, or governments where TMA operates.
- 3.8 Providing false information in procurement processes to gain unfair advantage.
- 3.9 Any other grounds TMA deems appropriate.

4. Sanctioning Procedure (Overview)

TMA may initiate a sanctions process based on credible allegations or evidence from various sources.

All sanctions **requests shall** be subjected to preliminary screening by independent Unit, Risk and Compliance before submission to the sanctions committee. For any sanctionable proceeding the following shall be considered.

- a) Whether the allegations presented relate to a sanctionable practice.
- b) Where the allegations would warrant an investigation – whether the allegations are credible enough to warrant a viable investigation.
- c) Whether there is an ongoing sanctions process against the vendor.
- d) On matters of supplier performance, whether the the service provider adhered to the requirements set out under contract management guidance on documenting the alleged poor performance.

Case review shall follow steps below;

- 4.1 Review of allegations to determine if they relate to a sanctionable practice.
- 4.2 Opportunity for the alleged party to respond and present their case.
- 4.3 Determination based on sufficient evidence (on the balance of probabilities) and principles of natural justice.
- 4.4 Decisions consider factors such as the magnitude of harm, history of misconduct, mitigation efforts, and cooperation.
- 4.5 Sanctioned parties have a right to appeal the decision.

5. Range of Sanctions

Sanctions are applied based on the severity of the misconduct and may include:

- 5.1 **Letter of Reprimand:** For isolated incidents, such as lack of oversight.
- 5.2 **Settlement:** In exceptional cases involving quantifiable fraud in contract execution.
- 5.3 **Cooling-Off Period with Conditional Release:** Temporary exclusion from TMA business until conditions (e.g., implementing integrity compliance programs or remedial measures) are met. Periods may be reduced upon demonstration of compliance after a minimum time.
- 5.4 **Cooling-Off Period for a Defined Time:** Temporary exclusion without conditions, for cases where rehabilitation is not feasible.
- 5.5 **Permanent Debarment:** Indefinite exclusion, typically for cases with no reasonable prospect of rehabilitation.

TMA Sanctions Policy (Abridged Version)

Aggravating factors (e.g., repeated misconduct, harm to public safety, interference with investigations) may increase sanction severity. Sanctions may be cumulative for multiple incidents.

6. Consequences of Sanctions

- 6.1 Sanctioned parties must fulfill obligations under existing TMA contracts.
- 6.2 Sanctions apply to successors, directors, partners, or entities where the sanctioned party has controlling interest.
- 6.3 Sanctions may be lifted early upon demonstration of reforms, such as implementing compliance programs.
- 6.4 TMA encourages all stakeholders to adhere to ethical standards to avoid sanctions and support effective project delivery.

Key actors in the sanctions process include:

- **Procurement Team** – Identifies potential misconduct during the procurement process and flags concerns for further review.
- **Governance, Risk, and Compliance (GRC)** – Conducts preliminary reviews, assesses compliance with TMA policies, and coordinates the overall sanctions process.
- **Audit and Assurance** – Provides independent assessments of suspected misconduct and supports investigations through forensic audits, where necessary.
- **Sanctions Committee** – An independent body that reviews findings, evaluates evidence, and recommends appropriate sanctions.
- **TMA Board** – Provides final oversight, endorses sanctions decisions where required, and ensures alignment with TMA's governance standards and donor obligations.

Each unit operates independently to uphold the integrity of the process, prevent conflicts of interest, and ensure that all actions are fair, evidence-based, and in line with TMA's core values

For any questions or clarifications, please contact TradeMark Africa (TMA) through the Head of Procurement at procurement@trademarkafrica.com.