



Private Linkage Regulations

I. Introduction

RADANAR AYAR ASSOCIATION is a non-governmental organisation. Private, non-political, non-denominational and non-profit-making, it was set up in Myanmar beyond 2008 cyclone Nargis hits in Myanmar that intended to intervene in country area focus on rural poverty reduction and sustainable development throughout the world. RADANAR AYAR's vocation is to save lives by combating hunger, disease, and those crises threatening the lives of rural poor, men, women and children with their own dignity.

RADANAR AYAR ASSOCIATION intervenes in the following situations:

- In natural or man-made crises which threaten food security or result in famine,
- In situations of social / economic breakdown, linked to internal or external circumstances which place particular groups of people in an extremely vulnerable position for the rural people,
- In situations where survival depends on humanitarian aid.
- Local context to proper short term solution to long term intervention of development for the rural area.

These Private linkage Regulations are the ground for a professional working relationship between RADANAR AYAR, its local partners, and the suppliers in context to local procurement, cooperation and partnership.

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 Private linkage Regulations.

II. Principles of the procurement procedures

RADANAR AYAR ASSOCIATION has transparent procedures to award markets and Bid. Essential principles are

- *Transparency* in the procurement process by organising the independent procurement committee with personnel and professional integrity to be focused on neutrality.



- *Proportionality* between the procedures followed for awarding contracts and the value of the markets in the basic rules of right place, right price, right person for the right things of good/service.
- *Equal treatment* of potential suppliers that treaty to avoid the local market inflations.

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)

III. Misbehaviour, ineligibility and exclusion

RADANAR AYAR ASSOCIATION try to 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:
 - The use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of RADANAR AAYAR 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 RADANAR AYAR or institutional donors financial interests
- **Collusion:** the co-ordination 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.



RADANAR AYAR
Association for Rural Development in Myanmar

N° 40, Bogyoke Aung Sann Road, Ward-5,

Bogalay 10231 Myanmar.

Phone (+95-9) 7317 2619 ,Email: info.radanar.ayar.org@gmail.com

- **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 RADANAR AYAR employees or expatriates 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 by political parties.
- **Immoral Human Resources practices:** exploitation of child labour and the non-respect of basic social rights and working conditions of employees or sub contractors that RADANAR AYAR follows the International Declaration of the Human Rights, Convention of the Right of Children and International labour Law that being enforced by United Nations and other inter-governments.

RADANAR AYAR ASSOCIATION will exclude from a procurement procedure any candidate or Bidder 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 governed by the inter-government.
- To have been convicted of an offence concerning professional conduct by a judgement that has the force of *political parties*.
- To have been guilty of grave professional misconduct proven by any means that RADANAR AYAR 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 RADANAR AYAR'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 any parties 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

RADANAR AYAR ASSOCIATION will not award contracts to candidates or Bidders who, during the procurement procedure:

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



IV. Administrative and financial sanctions

In the event a supplier, candidate or Bidders is engaged in corrupt, fraudulent, collusive or coercive practices RADANAR AYAR ASSOCIATION will impose:

Administrative sanctions

Administrative sanctions are the official notification of the misconduct to the relevant civil or commercial authorities and the immediate termination of all existing working relationships.

Financial sanctions

RADANAR AYAR ASSOCIATION will request the reimbursement of the cost linked directly and directly to the conduct of a new tendering process or market award. If any, the tender or performance guarantee will be kept by RADANAR AYAR ASSOCIATION.

V. Information of the European Commission and other Inter-governments

RADANAR AYAR ASSOCIATION will inform immediately the European Commission and other inter-government will provide all the relevant information in the event a supplier, candidate or Bidder is engaged in corrupt, fraudulent, collusive or coercive practices.

VI. Provision for institutional donors

The contractors agree to guarantee a right of access to their financial and accounting documents to the representatives of RA's institutional donors for the purposes of checks and audits under the guidance of financial management procedure being held by Senior Management of the Association in good faith to the nationwide.

VII. Documents to be a supplier

Hereafter is the minimal documentation a contractor or bidder working with RADANAR AYAR ASSOCIATION will have to provide:



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- Personnel national ID document of the supplier/company representative that mentioned in the legislatures under company acts.
- Status and registration of the company under the respective government and local law.
- Mission order or power of attorney authorising the representative to contact

Important note: Additional documentation may be required for a particular market and local, civil laws.

In addition the contractor should have at least the following administrative material:

- Invoice
- Waybill (or delivery note)
- Receipt
- Official stamp



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**Declaration of compliance &
commitment to respect
RADANAR AYAR ASSOCIATION
Private Linkage Regulations**

I, undersigned ...*representative name*... representative of _____
read and understood these regulations.

On behalf of the ----- I act for, I accept the terms of RADANAR
AYAR ASSOCIATION's Private linkage Regulations and I will ensure that these
apply to all procurement done using RADANAR AYAR funds and assets.

Date:

(Signature and stamp)

Important note: *All the pages of these Good Private Linkage Regulations have to be endorsed
with the initials of the company representative.*



Declaration of compliance & commitment to respect RADANAR AYAR ASSOCIATION in Private linkage to Good Business Regulations

I, undersigned ...*representative name*... representative of ...*company name*.....read and understood these regulations.

On behalf of the company I act for, I accept the terms of RADANAR AYAR Private linkage Regulations and I commit to achieve the best performances in the event ...*company name*..... is awarded a market.

In addition, I certify that ... *company name* doesn't fall in any of the conditions mentioned in the paragraph III: Misbehaviour, ineligibility and exclusion.

I explicitly guarantee that ... *company name* respects the principle of the non-exploitation of child labour and respects the basic social rights and working conditions of employees and sub contractors being endorsed in the international labour law.

Date:

(Signature and stamp)



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