SANCTIONS CASE No. SN/2017/08

Sanctions Decision No. 10, issued on March 26, 2018

Fraudulent Practice: Misrepresentation of facts in order to influence a procurement process for the recruitment of a consultant

Respondent: Mr. ROBERT AKIKA NGONG

In November 2014, the African Development Fund, an entity of the African Development Bank Group (the “Bank Group” or the “Bank”) approved a grant to finance the Statistical Building Program for Managing for Development Results (the “SCB 4 Program”). The main objective of the SCB 4 Program was to contribute towards developing more effective statistical systems that respond to the data needs in African countries as well as to facilitate effectiveness of Bank operations in Regional Member Countries. The SCB 4 Program was designed by a team consisting of Bank staff and consultants, including Mr. Robert Akika Ngong (Respondent “Ngong”).

The program was to be executed by the Statistics Department of the Bank (“ECST”). In May 2015, ECST was planning on retaining Mr. Ngong as a consultant to support the implementation of the SCB 4 Program, which he had designed, in contravention with the Bank’s Procurement Rules and Respondent Ngong’s contracts of 2012 and 2015. However, the Bank’s Fiduciary and Financial Management, Inspection and Procurement Policy Department (“SNFI”) objected to the recruitment. In an attempt to validate the recruitment, the Director of ECST, in connivance with Mr. Ngong requested a waiver from the Bank’s rules and downplayed the latter’s contribution to the design of the SCB 4 Program. SNFI alerted the Bank’s Office of Integrity and Anti-Corruption (“PIAC”) of a potential fraudulent practice in August 2015. PIAC’s investigation confirmed that the Director of ECST intentionally distorted Respondent Ngong’s prominent role and intentionally downplayed his contribution to the design of the program and the production of the Project Appraisal Report. Afforded with an opportunity to respond to the allegation of fraudulent practice, Mr. Ngong partially denied the allegation. PIAC subsequently submitted a Findings of Sanctionable Practices (the “FoSP”) to the Sanctions Office on October 11, 2017.

Upon review of the case, the Sanctions Commissioner determined that the FoSP contained prima facie evidence in support of the alleged fraud and therefore issued a Notice of Sanctions Proceedings to the Respondent on December 19, 2017. Respondent Ngong was informed of his right to contest the FoSP within sixty (60) days of receipt. Respondent Ngong did not submit a Response within the prescribed deadline and requested an extension of time fourteen (14) days after the expiry of the deadline. The Sanctions Commissioner rejected his request on the grounds that the extension of time was requested after the expiry of the sixty (60) days.

After giving due consideration to the case, the Sanctions Commissioner determined that it is more likely than not that the Respondent engaged in the alleged fraudulent practice. As a consequence, the Sanctions Commissioner imposed, on March 26, 2018, a sanction of three (3) year-debarment with conditional release. Respondent Ngong will be released at the end of the debarment period, upon the submission of evidence to PIAC of him having undergone appropriate corporate ethics training.

The Sanctions Decision was not contested before the Sanctions Appeals Board and therefore became final and enforceable.