SANCTIONS CASE No. SN/2018/04

Sanctions Decision No. 14 issued on 12 March 2019

Fraud - Misrepresentation during the recruitment of an Audiovisual Service Provider for the 2017 Bank Group Annual Meetings

Respondent: Ms. Namahoua DIOMANDE, operating under the following trade names:
Zata Productions, Zata Prod and Zata Service

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In 2017, as part of the preparations for its Annual Meetings, the African Development Bank (the "Bank"), launched a public tender for the recruitment of a news reporting and audiovisual collage service provider based on a short list. Operating under the following trade names: Zata Productions, Zata Prod and Zata Service, Ms. Namahoua DIOMANDE, ("the Respondent"), of Ivorian nationality, submitted a bid and was awarded the contract following the selection process. In May 2017, the Bank and Zata Prod signed a contract.

Following the contract award, a complaint was filed alleging that Zata Prod to whom the contract had been awarded had not met the eligibility criteria outlined in the bid invitation. PIAC decided to conduct an investigation, at the end of which it concluded that the Respondent had engaged in a fraudulent practice. In the bid proposal, the Respondent had falsely stated that she had the required experience and provided false references in support of this statement. The Respondent acted in this manner in order to appear to meet the eligibility criteria outlined in the bid invitation with the ultimate goal of being awarded the contract. The Respondent did not contest the allegations during the investigation. Therefore, PIAC submitted a Findings of Sanctionable Practices (the "FoSP") to the Sanctions Office on 17 October 2018.

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 13 December 2018. The Respondent was informed of her right to contest the FoSP within sixty (60) days of receipt of the Notice. On 12 February 2019, the Respondent sent a letter to the Sanctions Office in response to the Notice, in which she acknowledged that she did not have "enough audiovisual experience". However, the Respondent noted that the services were sub-contracted to experts, who did a remarkable job and she asked the Sanctions Commissioner for his indulgence.

After giving due consideration to the case, the Sanctions Commissioner concluded that it was more likely than not that the Respondent engaged in the alleged fraudulent practice. Accordingly, on 12 March 2019, the Sanctions Commissioner imposed a one (1) year debarment with conditional release on the Respondent. The Respondent will be released at the end of the debarment period, provided that she undergoes training on business ethics to the Bank's satisfaction. In issuing the Sanctions Decision, the Sanctions Commissioner took into account the mitigating circumstances namely, the Respondent's admission of guilt and her cooperation during the investigation.

The Sanctions Decision was not contested before the Sanctions Appeals Board. It therefore remains final and binding.