

IPF SOLAR PROCUREMENT BIDDER DECLARATION - FORCED LABOR

Introduction

There is a significant risk of forced labor in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the Bank requires Borrowers to strengthen solar related procurement processes by including forced labor bidder declarations, qualification requirements and strengthened contractual provision in procurements involving financing of solar panels/solar components¹.

Scope

Investment Project Financing: Borrowers must include in applicable procurement documents² that include solar panels/components for the "core functions of a project" as defined in the World Bank Environmental and Social Framework: (i) applicable provisions in the invitation for bids, instruction to bidders and qualification requirement; (ii) Forced Labor Performance Declaration; (iii) Forced Labor Declaration; and (iv) strengthened contract clause on Forced Labor.

These provisions and declaration forms <u>must be included</u> in procurement documents for both international as well as national competitive procurement, and any direct selection/direct contracting within the above scope. The provisions and declarations in the annexes use terms such as "bid" and "bidder" based on terms used in request for bids. The qualification requirements and the declaration terms should be adjusted depending on the applicable procurement process, such as "proposal" "proposer" and "applicant" as appropriate. See Annex I, II, III and IV.

Effective date

All new procurement (advertised, invited or awarded through direct contracting) on or after January 1st, 2022: (i) Annex I: applicable provisions to be included; in the invitation for bids, instruction to bidders and qualification requirements; (ii) Annex II- Forced Labor Performance Declaration; (iii) Annex III- Forced Labor Declaration; and (iv) Annex IV- strengthened contract clause on Forced Labor.

Prior Review

All procurements that apply the declaration will be subject to Bank prior review and Bank no objection. The Bank's prior review will also include procurement documents prior to issue; Subcontractors/suppliers/manufacturers of solar panels/components prior to Employer (Borrower) approval (Annex III), and same for post award if there are any changes to Subcontractors/ suppliers/ manufacturers of solar panels/components.

¹ IPF, that include Solar panels/components for the "core functions of a project" for all new procurement (advertised, invited or awarded through direct contracting) on or after January 1st, 2022 (see Scope).

² Procurement document in the context of this document refers to prequalification/initial selection document or bidding (tender) document or request for proposals document and/or contract form, as appropriate.



ANNEX I – Applicable Provisions³

Invitation for Bids

<u>All bids must be accompanied by a Forced Labor Performance Declaration</u> (Annex II) and a Forced Labor Declaration (Annex III).

Instruction to Bidders (ITB)

<u>Include in the list of documents comprising the bid</u>: Forced Labor Declaration using the form included in Section IV, Bidding Forms [or refer to the appropriate section where Bank's SPDs are not applied].

Qualification requirements⁴

Forced Labor past performance declaration - require the bidder (including for JV each member of the JV), Subcontractors, suppliers and/or manufacturers proposed by the bidder to declare any contracts that have been suspended or terminated, and/or other contractual remedies applied including calling of performance security by an employer, for reasons of breach of forced labor obligations in the past five years. Documentation required: Form Annex II: Forced Labor Performance Declaration.

³ Annex I uses the terms "bid" and "bidder". The terms should be adjusted depending on the applicable procurement process terms such as "proposal" "proposer" and "applicant".

⁴ Depending on the process, the qualification requirements shall be included in the appropriate procurement document.



ANNEX II - Forced Labor Performance Declaration⁵

[The following table shall be filled in by the Bidder, each member of a Joint Venture, each Subcontractor/supplier/ manufacturer providing solar panels and/or solar panel components proposed by the Bidder]

Forced Labor Performance Declaration

Bidder's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member's or Subcontractor's/supplier's/manufacturer's Name: [insert full name]

RFB No. and title: [insert RFB number and title]

Page [insert page number] of [insert total number] pages

in accordance with Section III, Evaluation and Qualification Criteria		
We:		
☐ (a) have not been suspended or terminated, and/or other contractual remedies applied including calling of performa security by an employer, for reasons of breach of forced labor obligations in the past five years. [if (a) is declared, state I for (b) below]		
□ (b) have been suspended or terminated, and/or other contractual remedies applied including calling of performal security by an employer, for reasons of breach of forced labor obligations in the past five years. Details are provided below		
Year Contract identification Name of Employer Reasons for suspension or, termination, and/or other contractual remedies applied including calling performance security	ng	
\Box (c) [If (b) above is applicable, attach evidence demonstrating that adequate capacity and commitment to comply we Forced Labor obligations.]	vith	
misrepresentation contained in this Form may lead to our disqualification by the Employer and/or sanction by the Bank. Name of the Bidder/ JV member/ Subcontractor/ supplier/ manufacturer		
Title of the person signing on behalf of the Bidder/ JV member/ Subcontractor/ supplier/ manufacturer		
Date signed,,		
Countersignature of authorized representative of the Bidder (for forms submitted by a JV member, Subcontractor/ supplemanufacturer):	ier,	
Signature:		
Date signed,,		

⁵ Annex II uses terms such as "RFB" and "bidder". The terms should be adjusted depending on the applicable procurement process terms such as "RFP" "proposer" and "applicant".



ANNEX III - Forced Labor Declaration

Date:	RFB No.:
	Alternative No.:
Contract Title:	

To:

We, the undersigned, declare that, if awarded the Contract, we, including our Subcontractors and suppliers/ manufacturers, are required to comply with the contractual Forced Labor obligations. In this regard, we:

- (a) accept that there will be no Forced Labor among the staff, employees, workers and any other persons employed or engaged by us;
- (b) accept that staff, employees, workers and any other persons employed or engaged, will be hired under employment conditions that meet the contractual obligations set out in the Contract;
- (c) will include in our contracts with Subcontractors/ suppliers/ manufacturers of [solar panels] [solar panel components] obligations to prevent Forced Labor among the staff, employees, workers and any other person employed or engaged by the Subcontractor/ supplier/ manufacturer;
- (d) will include in our contracts with Subcontractors/ suppliers/ manufacturers of [solar panels] [solar panel components], that the Subcontractors/ suppliers/ manufacturers include an obligation to prevent Forced Labor in all contracts that they execute with their suppliers/ manufacturers of [solar panel][solar panel components];
- (e) will monitor our Subcontractors/ suppliers/ manufacturers of [solar panels][solar panel components] on implementation of obligations to prevent Forced Labor among the staff, employees, workers and any other person employed or engaged by them;
- (f) will require our Subcontractors to monitor their suppliers/ manufacturers of [solar panels][solar panel components] on implementation of obligations to prevent Forced Labor among the staff, employees, workers and any other person employed or engaged by them;
- (g) will require our Subcontractors/ suppliers/ manufacturers to immediately notify us of any incidents of Forced Labor;
- (h) will immediately notify the Employer any incident of Forced labor on the site, or premises of Subcontractors/ suppliers/ manufacturers of [solar panels] [solar panel components];
- (i) will include in periodic progress reports submitted in accordance with the contract sufficient details on our, including our Subcontractors/ suppliers/ manufacturers, compliance with Forced Labor obligations; and we
- (j) confirm that the Subcontractors/ suppliers/ manufacturers for [solar panels][solar panel components] for this contract are (or likely to be):

⁶ Annex III uses terms such as "bid" and "bidder". The terms should be adjusted depending on the applicable procurement process terms such as "proposal" "proposer"



[Provide each firm's name, address, primary contact, e-mail address, and the link to the firm's website]

OR

confirm that you have not yet finalized the Subcontractors/ suppliers/ manufacturers of solar panels/components, but when known the firm/s name(s), address(es), primary contact(s), e-mail address(es) and web site link(s) will be provided to the Employer, prior to signing the contract, with documentation demonstrating compliance with forced labor obligations to the Employer for approval].

THEN

- If (c) above is applicable, attach evidence of how these contract obligations are/will be made.
- If (d) above is applicable, attach evidence of how these contract obligations are/will be made.
- **If (e) above is applicable,** please attach evidence of how this monitoring/due diligence is/will be undertaken (such as your inspection protocols, use of inspection agents, frequency of inspections, examples of previous factory/labor inspection reports etc.).
- **If (f) above is applicable,** please attach evidence of how this monitoring/due diligence is/will be undertaken by Subcontractors (such as their inspection protocols, use of inspection agents, frequency of inspections, examples of previous factory/labor inspection reports etc.).

We declare all the information and statements made in this Form are true, and we accept that any misrepresentation contained in this Form may lead to our disqualification by the Employer and/or sanctions by the Bank.

Name of the Bidder*			
Name of the person duly authorized to sign the Bid on behalf of the Bidder**			
Fitle of the person signing the Bid			
Signature of the person named above			
Date signed	_ day of,,		

[Note: In case of a Joint Venture, the Forced Labor Declaration must be in the name of all members to the Joint Venture that submits the Bid.]

^{*:} In the case of the Bid submitted by joint venture specify the name of the Joint Venture as Bidder

^{**:} Person signing the Bid shall have the power of attorney given by the Bidder attached to the Bid



ANNEX IV - Strengthened contract clause on Forced Labor

<u>Include the following Forced Labor contract clause/replace any other forced labor contract clause in its entirety with the following:</u>

The Contractor, including its Subcontractors/ suppliers/ manufactuers, shall not employ or engage forced labour. Forced labour consists of any work or service, not voluntarily performed, that is exacted from an individual under threat of force or penalty, and includes any kind of involuntary or compulsory labour, such as indentured labour, bonded labour or similar labour-contracting arrangements.

No persons shall be employed or engaged who have been subject to trafficking. Trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.

In this regard, the Contractor shall:

- (a) include in contracts with Subcontractors/ suppliers/ manufacturers of [solar panels] [solar panel components], obligations to prevent Forced Labor among the staff, employees, workers and any other person employed or engaged by the Subcontractor/ supplier/ manufacturer;
- (b) include in contracts with Subcontractors/ suppliers/ manufacturers of [solar panels] [solar panel components], that the Subcontractors/ suppliers/manufacturers include an obligation to prevent Forced Labor in all contracts that they execute with their suppliers/ manufacturers of [solar panel][solar panel components];
- (c) monitor Subcontractors/ suppliers/ manufacturers of [solar panels][solar panel components] on implementation of obligations to prevent Forced Labor among the staff, employees, workers and any other person employed or engaged by them;
- (d) require Subcontractors to monitor their suppliers/manufacturers of [solar panels][solar panel components] on implementation of obligations to prevent Forced Labor among the staff, employees, workers and any other person employed or engaged by them;
- (e) require its Subcontractors/ suppliers/ manufacturers to immediately notify the Contractor of any incidents of Forced Labor;
- (f) immediately notify the Employer any incident of Forced labor on the site, or premises of Subcontractors/ suppliers/ manufacturers of [solar panels] [solar panel components]; and
- (g) include in periodic progress reports submitted in accordance with the contract sufficient details on its, including its Subcontractors/ suppliers/ manufacturers, compliance with Forced Labor obligations.