

Cuba: Due Diligence Questionnaire

Forming part of the larger Corporate Social Responsibility (CSR) Framework of CCC, and in keeping with the CCC Code of Conduct and Business Ethics (Code), this questionnaire is used to assist CCC in completing its due diligence review of its suppliers as well as demonstrating CCC's commitment to doing business with suppliers that respect the law and act with integrity. Note: where additional details are required, please attach.

Recipient Country: **Cuba – Cuba Contracting Program**

Brief Description of Project: **Sale of goods through a competitive process**

Existing/Repeat Supplier to CCC: **Yes** **No**

Name of Buyer(s): _____

Section 1 – General Information

Company's Full Legal Name: _____

Nationality: **Canadian**

Industry: e.g.
Consulting/Defence/Aerospace/
Engineering/Construction/Manufacturing: _____

Goods or services (please provide a brief description): _____

Number of Employees: _____

Address in Canada: _____

Website Address: _____

Contact Person's Full Legal Name: _____

Telephone: _____

E-mail: _____

GST / HST #: _____

Section 2 – Ownership

2.1	How many years has your company been in business?		
2.2	Attach list of any former names of your company (if applicable).	Attached <input type="checkbox"/>	N/A <input type="checkbox"/>
2.3	Is your company a subsidiary or does your company have any subsidiaries and/or affiliates?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide the name of the parent, subsidiary and/or affiliate organization and the relationship to your company. Please provide an organizational chart, if available.			
2.4	Is your company publicly traded?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.5	Private companies only: please attach a complete list of the following: a) the names of all owners (including for the parent); b) names of all individuals that own greater than a 10% share in the company (including for the parent); and c) names of all directors and senior officers. Please provide an organizational chart, if available.	Attached <input type="checkbox"/>	

Section 3 – Legal

3.1	Please attach a copy of incorporating documents or a compliance certificate containing the status of the company and the legal name.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
If you answer <i>yes</i> to any of the following questions, please attach the details:			
3.2	Are there any judgments, claims, or arbitration proceedings or lawsuits threatened, pending or outstanding in any jurisdiction in excess of \$500,000 against your company (or any person listed in this questionnaire) within the last 5 years? If yes, please provide details (plaintiff's name, nature and amount of the claim(s) and jurisdiction).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.3	Has your company (or any person or entity listed in this questionnaire) filed any lawsuits or requested arbitration with any other federal government department or agency within the last 5 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Section 4 - Integrity and Business Ethics

Within the past 5 years:			
If you answer <i>yes</i> to any of the following questions, please attach the details.			
4.1	For the following questions (4.1.a to 4.1.d), please indicate if your company (or any person or entity listed in this questionnaire), by itself or in partnership, or any of its related companies, principal shareholder, senior officer or senior management has ever:		
a.	been debarred by any government or international organization from tendering?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b.	been investigated for, been charged with, or been found guilty in any court, or subject to equivalent administrative measures, for violation of the <i>Corruption of Foreign Public Officials Act</i> or any other anti-corruption/bribery laws?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

c.	been investigated for, been charged with, or been found guilty in any court, or subject to equivalent administrative measures of violating any rules or regulations governing the purchase or sale of goods or services to or by any government?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d.	been investigated or found guilty of violations involving income tax fraud, securities or competition laws?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2	Does your company have a written policy regarding corruption or bribery? If yes, please provide a copy of the policy and indicate whether employees are required to sign an acknowledgement committing to comply with the policy, and the frequency of the sign-off.	Yes <input type="checkbox"/> <input type="checkbox"/> Attached	No <input type="checkbox"/>
4.3	Does your company provide its officers and employees with anti-corruption / anti-bribery training? If yes, please provide a copy or description of the training, indicating whether it is provided annually. Please indicate when was the last time the training was delivered.	Yes <input type="checkbox"/> <input type="checkbox"/> Attached	No <input type="checkbox"/>
4.4	Does your company, in the course of developing business relationships, provide gifts, standard hospitality, entertainment, meals or travel to foreign public officials?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5	Do you have controls and procedures established within your company with respect to foreign public officials being offered gifts, hospitality, entertainment, travel or other expenses? If yes, please provide a copy.	Yes <input type="checkbox"/> <input type="checkbox"/> Attached	No <input type="checkbox"/>
4.6	Has your company been audited for business integrity compliance by a third-party in the last 5 years? If yes, please provide a copy or summary of the audit results and/or recommendations made by the auditor. Please indicate whether the auditor's recommendations have been considered and/or implemented by the company.	Yes <input type="checkbox"/> <input type="checkbox"/> Attached	No <input type="checkbox"/>
4.7	I have reviewed and understand the Code for Exporters , agree with its principles and will ensure its application in our operations. We understand that we have the responsibility to disclose any concerns about a possible violation of the Code for Exporters through the disclosure mechanism outlined within.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Section 5 - Supply Chain Risk Management – Integrity and Human Rights

5.1	Please provide a description and percentage of the raw materials and/or products that will be used in Cuba projects that are: a) Manufactured or produced in Canada. b) Manufactured or produced abroad (please provide a list of the countries sourced from).		
5.2	Has the company identified all its first tier suppliers? If yes, please provide the names and primary country of operation of those suppliers.	Yes <input type="checkbox"/> <input type="checkbox"/> Attached	No <input type="checkbox"/>
5.3	Does your company have policies and processes to screen, assess and monitor the integrity and human rights risks associated with its supply chain (such as third-party fraud,	Yes <input type="checkbox"/>	No <input type="checkbox"/>

bribery and corruption, breaches of ethical standards, including forced labour and other related human rights issues)? If yes, please attach a copy of any policies and/or description of the due diligence process, indicating the steps, if any, that the company has taken to manage and reduce those risks.	<input type="checkbox"/> Attached
5.4 Has your company identified any integrity and/or human rights risks associated with its supply chain in relation to projects with Cuba? If yes, please provide details.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 6 – Government of Canada’s Integrity Regime

Please consult the following links:

<http://www.tpsgc-pwgsc.gc.ca/ci-if/declaration-eng.html> and <https://www.tpsgc-pwgsc.gc.ca/ci-if/politique-policy-eng.html>

6.1 Upon review of the Public Services and Procurement Canada (PSPC) Integrity Declaration Form and the Ineligibility and Suspension Policy , could your company be declared ineligible or suspended from being awarded a federal contract or real property agreement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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http://www.international.gc.ca/trade-agreements-accords-commerciaux/ncp-pcn/index.aspx?lang=eng&menu_id=1&menu=R and <http://www.oecd.org/corporate/mne/1922428.pdf>

6.2 We understand that CCC expects that Canadian companies will cooperate in good faith with proceedings before any National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises which involve a request for review that names the Company.	Yes <input type="checkbox"/> No <input type="checkbox"/>
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<https://www.international.gc.ca/global-affairs-affaires-mondiales/news-nouvelles/2021/2021-01-12-xinjiang-declaration.aspx?lang=eng>

6.3 I have reviewed the Integrity Declaration on Doing Business with Xinjiang Entities , and I am aware of the human rights situation in Xinjiang Uyghur Autonomous Region (XUAR) and the elevated risk that this poses and I have not knowingly sourced, directly or indirectly, products or services from a supplier implicated in forced labour or other human rights violations connected to the repression of Uyghurs and other ethnic minorities in the XUAR.	Yes <input type="checkbox"/> No <input type="checkbox"/>
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https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/index.aspx?lang=eng

6.4 We understand that CCC expects that Canadian companies operating outside of Canada will cooperate in good faith with proceedings before the Canadian Ombudsperson for Responsible Enterprise (CORE) involving a complaint that names the Company.	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Section 7 – Agents, Representatives and Business Partners

7.1 Does your company hire a Cuban worker through one of the Cuban employment agencies such as Acorec, Palco, CiHSA or CETA? If yes, please attach a copy of the contract with the agency and confirm that the salary is being paid as noted in the contract.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.2 Other than in 7.1, does your company hire agents, representatives and/or third party Intermediaries?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.3 Are there any agents, representatives and/or third party intermediaries involved in projects with Cuba? If yes, please respond to questions 7.4 to 7.9 and attach the following: a) Names, title and citizenship of all individuals engaged as agents, representatives and/or third party intermediaries in Cuba projects and how your company came to be introduced to them. If the agent is a corporation, please provide its address. b) If the agent, representative and/or third party intermediary is a corporate entity with less than 10 employees, attach the names, titles and citizenship of all owners, directors and employees. c) Copy of the contract between your company and the agent. d) Detailed description of the activities that the agent will undertake. e) Commission/fee that the agent will be paid for their services. f) Copy of the risk-based due diligence performed on the agent (if any).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.4 Does your company have a written policy and/or processes regarding the use of agents and representatives and third-party intermediaries? If yes, please attach a copy of the policy and explain how it has been applied.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.5 Does your company conduct risk-based due diligence before entering into any agreement with an agent, representative and/or third-party intermediary? If yes, please attach a copy of the risk-based due diligence and/or procedures followed by your company to assess agents.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.6 Does the agent have a written policy regarding corruption or bribery? If not, has the agent agreed to comply with your company's anti-corruption policy?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.7 Does the agent or their employees undertake anti-corruption / anti-bribery training?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.8 Has the agent participated or will participate in meetings with public officials of the buyer? If yes, please indicate what functions the agent performs in those meetings. Please indicate whether the agent attends meetings with the buyer without the presence of you company.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.9 If the agent is a corporation, is it owned in part by a government official or their relatives or has other close ties to a government, government agency or government official?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Section 8 – Foreign Public Officials

8.1 Have any gifts or benefits, including project related trips been given to any public officials of the buyer? If yes, please attach the details and confirmation of compliance with local and Canadian laws.	No <input type="checkbox"/>
	Yes/Attached <input type="checkbox"/>

8.2 Provide the names of principal officials or other contacts on the Buyer side who have engaged with the Supplier.	Attached <input type="checkbox"/>
8.3 Is there a bonus or incentive scheme in place for the Supplier's senior officers, manager or employees that relates to the Cuba project? If yes, please attach details.	N/A <input type="checkbox"/> No <input type="checkbox"/> Yes/Attached <input type="checkbox"/>
8.4 Were any third party intermediaries required or recommended by the Buyer? If yes, please attach details.	No <input type="checkbox"/> Yes/Attached <input type="checkbox"/>
8.5 Please provide the substantive qualifications of any third party intermediaries that will have contact with foreign public officials.	N/A <input type="checkbox"/> Attached <input type="checkbox"/>

Section 9 –Certificate of Compliance

This certificate is furnished with the intent that it may be relied upon as a basis for CCC to enter into a contract with the Supplier.

I am a senior officer of the company and I hereby certify in such capacity that, to the best of my knowledge, but after reasonable enquiry, that the information contained in response to this questionnaire are true and correct in all material respects.

I have reviewed the Public Services and Procurement Canada (PSPC) [Integrity Declaration Form](#) and the [Ineligibility and Suspension Policy](#), and confirm that our company would not be declared ineligible or suspended from being awarded a federal contract or real property agreement.

I have reviewed and understand that CCC expects that Canadian companies will cooperate in good faith with proceedings before any [National Contact Point \(NCP\)](#) for the [OECD Guidelines for Multinational Enterprises](#) which involve a request for review that names the Company.

I have reviewed and understand that CCC expects that Canadian companies operating outside of Canada will cooperate in good faith with proceedings before the [Canadian Ombudsperson for Responsible Enterprise \(CORE\)](#) involving a complaint that names the Company.

I have reviewed and understand the [Code for Exporters](#), agree with its principles and will ensure its application in our operations. We understand that we have the responsibility to disclose any concerns about a possible violation of the Code for Exporters through the disclosure mechanism outlined within.

We understand that CCC expects that Canadian companies will take every step possible to ensure that their supply chains conform to Canadian law with respect to the prohibition on the import of forced labour.

Except for those events disclosed in section 4.1 of this questionnaire, neither the company nor an affiliate, by itself or in a partnership, or anyone acting on our behalf, is / has been engaged or will engage in any illegal activity under any law including the *Criminal Code of Canada* and the *Corruption of Foreign Public Officials Act* or similar legislation in a foreign country.

Except for those events disclosed in section 4.1 of this questionnaire, neither the company, by itself or in partnership, or anyone acting on our behalf in connection with the project are being investigated for, been charged with, or have been found guilty in any court, or subject to equivalent administrative measures by a public body for unethical business practices.

In compliance with CCC's [Transparency and Accountability Policy](#) and in the event that a contract results from the joint efforts of the parties, CCC will seek the consent of the foreign buyer and the supplier to disclose the following information for export sales transactions entered into by CCC:

- Supplier's name
- Destination of the goods and services which shall be identified as "Caribbean"
- General description of the goods or services
- Amount of the transaction within a range

CCC recognizes that the disclosure of transactional information with Cuba may expose Canadian companies to economic sanctions imposed by other countries, and will therefore identify the destination of goods and services as "Caribbean" for all transactions destined for Cuba.

Furthermore, on behalf of the company I acknowledge and understand that:

- (a) CCC's provision of support to the company is based on, and CCC fully relies on, the truthfulness of the information provided in response to this questionnaire and the statements in this Certificate of Compliance;
- (b) any material inaccuracy herein may result in the withholding of CCC support and/or the termination of contractual arrangements concluded and/or any liability arising from the same; and

- (c) CCC may in its discretion, disclose to Canadian law enforcement authorities circumstances
 - (i) indicating that an offence under any applicable criminal law dealing with the bribery of public officials including the CFPOA has taken place, or
 - (ii) leading to the reasonable apprehension thereof, whether or not CCC has provided support in respect of such transaction.

Signed, this ____ day of _____, 20____, in _____, Canada.

(Signature, Name and Title of Senior Officer of Supplier)

Privacy Statement: The personal information collected is to be used to determine eligibility for entering into agreements with the Canadian Commercial Corporation. An incomplete form may result in withdrawal of CCC's request for your participation in the solicitation. Any personal information will be maintained in the Personal Information Bank of the Canadian Commercial Corporation ("CCC"), and it will be protected, used and disclosed in accordance with the *Privacy Act*. Under this *Act*, you have the right to access your personal information and request changes to incorrect information.