

## **Corporate Governance & Anti-Corruption Services**



**Maria del Carmen Chinchilla**  
**Think Big Partnership, Chief Compliance Officer**

"As part of Think Big Partnership's range of services to its clients, we provide assistance that is essential to managing risk, offering: Advice, Mentoring and Compliance Services on Transparency Issues/ Competitiveness & Operations and Anti-Corruption Initiatives right down to their grass-roots in the field."

These services help organizations avoid violations and, when events of non-compliance are suspected, assist them and their counsel in conducting fact-finding investigations utilizing leading investigative protocols, tools and techniques.

Through thoughtful and timely execution of these services, clients can mitigate the risk of non-compliance with laws and regulations under the Foreign Corrupt Practices Act (FCPA), the UK Bribery Act 2010 and the Anti-Corruption laws of numerous other countries – and avoid fines, penalties, sanctions, civil liability, and reputational harm.

Most importantly our 'Field Consultants' help our clients spot and overcome ethics and compliance challenges before they become crises, from petty corruption to major contract bribes. When conducting due diligence our investigative teams, specialist researchers and subject matter experts give clients the full picture no matter where it is they need us to look.

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## Focus on Anti-Corruption in Peru

### Think Big Partnership Offer of 'Independent Anti-Corruption Compliance Services' on UK/Peru G2G Agreement Contracts



Corruption has been endemic in Peru's Public affairs for many years. The causes and effects are not easy for newcomers to Peru to fully understand or deal with. Prior to President Martín Vizcarra being removed in an impeachment procedure over bribery allegations in November 2020, every former living president is being probed or has been charged on corruption charges. All but one has been tied to the massive Odebrecht scandal, in which the Brazilian construction giant has admitted to paying millions of dollars in bribes in exchange for public works contracts.

Think Big Partnership's Managing Partners have personal experience of working with companies in Peru as a Lawyer, Construction Executive and Government Official during the former President Administrations of Alberto Fujimori, Alan Garcia and Alejandro Toledo. They have hands on experience of identifying and dealing with the existence and effects of corrupt practices involving politicians, companies and individuals, specifically in the Infrastructure and Construction sectors.

No specific independent private sector initiatives exist - outside participating companies managing their own governance and anti-corruption compliance procedures - to combat Peru's problem of corruption in the delivery of G2G Public and Public-Private funded projects and contracts. Think Big Partnership is soliciting interest to do so and offer 'independent compliance services' to clients and their contract stakeholders, programme managers and contractors to ensure any corruption is identified early at every level of contract delivery - *at charge out rates at a fraction of the costs of the BIG 4 or other recognised International Business Advisory firms.*

<https://www.globalcompliance.com/anti-corruption/anti-corruption-in-peru/>

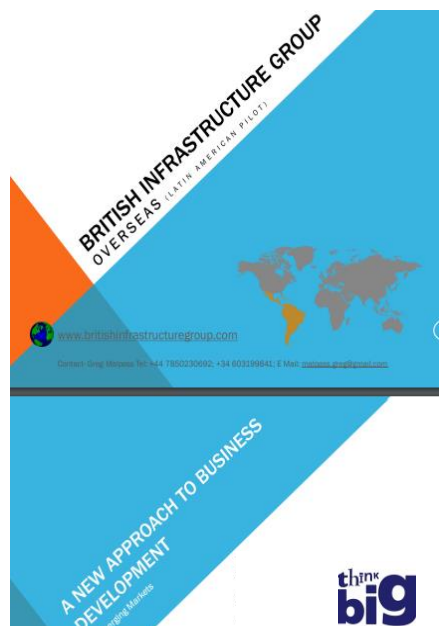
## Think Big Partnership credentials in Peru



Greg Malpass, Managing Partner Europe, and co-founder of Think Big Partnership has had a 35-year association with Peru and was the UK Department of International Trade's Export Promoter for Peru from 1998-2001. Think Big Partnership's history has also been steeped in Peruvian initiatives and interests since its establishment in 2016. Aleksandar Petrovich, Managing Partner the Americas is a Peruvian/US Attorney, and currently based in Lima.

<https://nebula.wsimg.com/307eb538b93b8753bac121c0808e4bc4?AccessKeyId=95B6737F98B38E354D56&disposition=0&alloworigin=1>

Recognising the failure of UK companies to compete with large international companies on large overseas infrastructure projects, Think Big Partnership started to campaign in January 2016 for the Establishment of a British Infrastructure Group of companies of all sizes to work together in International Business Development with Government support to select and bid for global infrastructure contracts and deliver complex projects. Peru was suggested as a Pilot Country for the rollout.



<https://nebula.wsimg.com/6f1937ee7a43d8b3b7520f5e95f768bc?AccessKeyId=95B6737F98B38E354D56&disposition=0&alloworigin=1>

## Attempts to help in Peru's Social Development



<https://nebula.wsimg.com/de8892e26a811d72da33e53c28a96053?AccessKeyId=95B6737F98B38E354D56&disposition=0&alloworigin=1>

In April 2016 Think Big Partnership bid for the UK Government's Foreign and Commonwealth Office Prosperity Fund Initiative - 'Prosperity Peru' – included an offer of Two Key Specific Delivery Components, outside the scope of the stipulated bid requirements:

1. 'Establishment of a British Infrastructure Group' - as a UK wide Business Development Team consisting of Contractors, Consultants, Facilities Managers and Legal and Financial Services Providers to work with the UK Government in identifying and developing specific projects of social benefit, initially in Peru's Health and Education Sectors.
2. 'Provision of Corporate Governance and Anti-Corruption Protocol Consulting Services' - to ensure compliance with International (and Peruvian) Anti-Corruption Laws across all areas of Social Development, Implementation Contracts and their Supply Chains.

In July 2018 Think Big Partnership made an unsolicited bid to the Peruvian Ministry of Housing and Construction to supply and build emergency social housing units in the mountain regions in southern Peru after more than 600 deaths by June 2018 from exposure induced pneumonia.



# 1. Establishment of The British Infrastructure Group

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## Extract from Prosperity Peru Bid 2016



### PROJECT PROPOSAL (FULL BID)

FCO Prosperity Fund

Project.. The Mission of a future BIG Business Development Team will be:

*BIG OBJECTIVE – “ESTABLISHMENT OF A GROUP OF LEADING UK PARTNERS INTERESTED IN JOINTLY AND INDIVIDUALLY DEVELOPING BUSINESS IN PERU RELATED TO PUBLIC PRIVATE PARTNERSHIPS, UK EXPORT FINANCED PROJECTS, DEVELOPMENT OF SUPPORT SERVICES AND FACILITIES MANAGEMENT BUSINESSES, AND INVESTMENT IN AND WITH LOCAL PARTNERSHIPS, ON NON EXCLUSIVE TERMS, TO HELP DELIVER IN THE LONG TERM TRANSFORMATIONAL INFRASTRUCTURE CHANGES IN THE COUNTRY, AND IMPROVE THE BUSINESS CLIMATE, COMPETITIVENESS AND OPERATION OF MARKETS IN INFRASTRUCTURE, AND PARTICULARLY HUMANITARIAN SECTORS OF HEALTH, EDUCATION AND SANITATION IN PERU”*

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Think Big Partnership’s 140-page bid document was apparently not received initially, being too large to be successfully accepted electronically. The DIT adjudicating bodies in Mexico and Lima were unaware of the administrative matter until contacted by Think Big Partnership. Unfortunately the error was not identified until after the bid assessment period had expired. Despite being unsuccessful in the bid, it was gratifying that, with respect to establishment of the proposed British Infrastructure Group - Infrastructure Exports UK (IE:UK) was set up in July 2017 as a Partnership between the Department for International Trade (DIT) and leading UK infrastructure firms. It was reported as being established in response to the failure of UK companies to compete with large international companies identified by Think Big Partnership in its January 2016 Presentations. It brought together companies whose interests had been formally solicited by Think Big Partnership during the Prosperity Peru bid period, including Atkins, Arup, British Expertise, Carillion, MACE, Mott McDonald and Turner & Townsend. The ‘Construction Index’ reported IE:UK as appearing to be a direct response to the hefty [Merge or Die report by Greg Malpass](#), produced in January 2017.

<https://www.theconstructionindex.co.uk/news/view/british-construction-colludes-for-team-uk-bidding>

Further success followed- In April 2017 the UK was appointed a main delivery partner of the Lima Peru 2019 Pan American Olympics; and following severe damage caused by climate cycle El Niño in Peru in the same year, the Department for International Trade (DIT) signed a government-to-government (G2G) agreement in June 2020 with the Government of Peru to support the reconstruction of the country’s public services facilities.

## 2. Provision of Corporate Governance and Anti-Corruption Protocol Consulting Services

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### Extract from Prosperity Peru Bid 2016



### PROJECT PROPOSAL (FULL BID)



FCO Prosperity Fund

### Corporate Governance and Social & Economic Programmes

We are committed to placing an ethical approach to business at the core of our activities, and offer services in Government funded Social & Economic Programmes. We seek to work with the leaders and executives of Government Institutions and Private Businesses involved in the processes of developing infrastructure programmes and economic & social strategies in selected Emerging Markets. We will work, together with others, to bring world-class expertise and the best global experience wherever it is needed, to help deliver projects that will have positive social impacts and bring economic growth.

To help spread a doctrine of anti-corruption, increase transparency and governance, we offer *in-market* mentoring of leaders to drive through a culture of Corporate Governance Compliance. Leadership is largely defined by effective decision-making. Because of the complexity and sensitivity of processes and decisions at the top of Government and Organizations, and the pressure to "get it right," leaders often need help learning to analyze and resolve dilemmas of setting process and decision making in an ethical way. One-on-one, day-to-day mentoring and constructive coaching in the normal course of business, via integration with the client's organization, is highly effective for this purpose. It's not only business process, it's implementation. Mentoring helps build fluency in communicating the ethics behind the processes and decisions being made, to increase trust with all constituents in an organization or institution.

#### **ANTI-CORRUPTION INITIATIVES:**

Throughout 2015, the Government Acquisitions Supervising Organism (OSCE ) re-launched 8 offices country-wide in order to fight corruption in public acquisitions. This initiative is at the heart of making Peru an attractive sustainable market for investment and stable PPPs, and will be a core focus and message of all Prosperity Peru initiatives, via advice, mentoring, and business development activity. The focus will be personal involvement of the Managing Partners to help deliver the Prosperity Fund Objectives- and increase the ability of partner companies in Peru to control corruption themselves.

- A **GOVERNANCE & ANTI CORRUPTION PROTOCOL** will be set-up/ developed and shared, via social networking and mentoring, including, but not limited to the guidelines of the UK Bribery & Corruption Act with support of an **Anti-Corruption UK Specialist Visit** to present to Peruvian Stakeholders. *Prosperity Peru* will build a reputation for representing the promotion of Opportunity, based on Openness and Fairness; particularly via Public Private Partnerships PPPs in the infrastructure, education, health and justice sectors; BUT also support Government initiative which promote:
  - Competitive markets and competition policies (e.g. tackling Collusion in Public Procurement)
  - A High-Level Reporting Mechanism (HLRM) for Accusations of Corruption and Bribery
  - Fraud risk management initiatives for legislation
  - Support the development of anti-bribery/corruption legislation (promoting UK Anti-Bribery Act) and the ability to prosecute those crimes
  - Enhanced Transparency, particularly in the extractive industries
  - Generation of fiscal regulations for competitive markets.
  - Infrastructure and technology for economic growth and enhance competitiveness and development transformation
  - Policy or programmes that make private sector and academia work together in Technology Transfer and Property Rights
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The **PPP Forum Social Network Platform/Blog** will be used to promote, publicise and debate many of the proposed Government Led issues above, and engender generic anti-corruption doctrine and longer term major strategic tasks facing Stakeholders in the Private sector, and bring the two together in a **PPP Forum Anti-Corruption Drive**

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## Seeking Solutions to Corruption in Peru

No specific independent private sector initiative, outside participating managing companies' governance and anti-corruption compliance procedures, has subsequently been set up to combat Peru's problem of corruption in the delivery of 'G2G' Public and Public-Private funded projects and contracts.

Corruption has been endemic in Peru's Public affairs for many years. The cause and effects are not easy for newcomers to Peru to fully understand. Prior to President Martín Vizcarra being removed in an impeachment procedure over bribery allegations in November 2020, every former living president is being probed or has been charged on corruption charges. All but one has been tied to the massive Odebrecht scandal, in which the Brazilian construction giant has admitted to paying millions of dollars in bribes in exchange for public works contracts.

Think Big Partnership is offering 'Independent Anti-Corruption Compliance Services' to clients and their contract stakeholders, programme managers and contractors to ensure any corruption however minor is identified at every level of contract delivery.

<https://www.globalcompliance.com/anti-corruption/anti-corruption-in-peru/>