

Corporate Compliance Forms and Tools Compliance and Ethics Program M&A Due Diligence Checklist

During the due diligence phase of a potential merger or acquisition (M&A), this checklist can be used to determine and identify specific ethics and compliance risks that may need to be investigated further prior to the contemplated transaction to ensure each such risk has been properly accounted for in the pricing of the transaction as well as in the transition plan used after the transaction. Failure to properly price and account for these compliance risks can result in expensive liability for the acquiring organization, which can materially reduce or even eliminate entirely the expected value of the transaction.

INSTRUCTIONS: For each category listed below, request responses and related materials from the potential M&A target company (Target). When a specific response references and/or requires additional documentation to validate it, request those additional materials from the Target. After completing the checklist and obtaining any requested documentation, forward the materials to the chief compliance officer or their designee for review and follow up with the M&A team should any issues arise that require further review or information gathering.

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