Note: Any "self-cleaning" measures in the sense of § 125 GWB <German Act against Restraints of Competition> are to be stated and substantiated in a separate annex with the tender.

Self-declaration regarding the absence of exclusion criteria pursuant to Sections 123 and 124 of the German Act Against Restraints of Competition (GWB)

from each applicant / bidder / each member of applicant or bidder consortia

I. The applicant / bidder declares that no person whose conduct is to be attributed to their company has been finally and conclusively convicted of the following offences and that no administrative fine pursuant to § 30 of the German Act on Regulatory Offences (OWiG) has been finally and conclusively set due to a criminal offence pursuant to:

1. Section 129 Strafgesetzbuch (StGB) – »German Criminal Code« (Forming criminal organizations), Section 129a StGB (Forming terrorist organizations), Section 129b StGB (Criminal and terrorist organizations abroad).

2. Section 89c StGB (Financing terrorism) or due to participation in such an act or due to the provision or collection of financial means in the knowledge that these financial means are or are to be wholly or partially used to commit an act pursuant to Section 89a Paragraph 2 Number 2 StGB.

3. Section 261 StGB (Money laundering; hiding unlawfully obtained financial benefits).

4. Section 263 StGB (Fraud), as far as the criminal offence is aimed against the budget of the EC or against budgets that are administered by the EC or on its behalf.

5. Section 264 StGB (Subsidy fraud), as far as the criminal offence is aimed against the budget of the EC or against budgets that are administered by the EC or on its behalf.

6. Section 299 StGB (Corruption and bribery in commercial practice).

7. Section 108e StGB (Corruption and bribery of elected representatives) or Section 108f StGB (Inadmissible perception of interests).

8. Sections 333 and 334 StGB (Granting advantages and bribery), in each case also in connection with Section 335a StGB (foreign and international civil servants).

9. Section 2 Gesetz zur Bekämpfung internationaler Bestechung (IntBestG) – »Act Against International Bribery« (bribery of foreign public officials in international business transactions), or

10. Sections 232 and 233 StGB (Human trafficking) or Section 233a StGB (Promotion of human trafficking).

A conviction or the imposing of a fine pursuant to the comparable regulations of other states is equivalent to a conviction or the imposing of a fine in the sense of the aforementioned.

II. The applicant / bidder declares that:

1. It has not been established by a final and conclusive court ruling or by a final administrative decision that their company has failed to comply with its obligations to pay taxes, levies or contributions to social insurance, or

2. In the event of a final and conclusive court ruling or a final administrative decision in the sense of Section 123 (4) sentence 1 GWB, that their company has complied with its obligations by way of making the payments or by committing to payment of the taxes, levies and contributions to social insurance, including interest, late payment fines or penalties.

III. The applicant / bidder declares that:

1. In executing public contracts, their company has verifiably not violated obligations resulting from applicable environmental, social or labour law.

2. Their company is not insolvent, no insolvency proceedings or comparable proceedings have been applied for or opened against the assets of the company, the opening of such proceedings has not been rejected due to insufficiency of assets, the company is not currently in liquidation proceedings, and the company has not discontinued its activity.

3. Their company has not committed any grave misconduct in the framework of the professional activity due to which the integrity of the company is called into question; the conduct of a finally and conclusively convicted person is to be attributed to a company when this person has acted as the person responsible for the management of the company; this also includes the monitoring of the company management or other exercise of supervisory powers in a managing position.

4. Their company has not reached with other companies any agreements that have as their object or effect the prevention, restriction or distortion of competition.

5. They have no knowledge of a conflict of interest in the performance of the procurement procedure that could impair the impartiality and independence of a person acting for the contracting authority in the performance of the award procedure.

6. They have no knowledge of a distortion of competition that resulted from the fact that their company was already included in the preparation of the award procedure.

7. Their company has not fulfilled any fundamental requirement in the execution of an earlier public contract or concession agreement with substantial or persistent deficiency that has led to a premature termination, to damage compensation or to comparable legal consequences.

8. With regard to exclusion criteria or suitability criteria, their company has not committed any serious misrepresentation or held back information, or it is in a position to convey the required substantiations.

9. Their company has not

   a) attempted to influence the decision making of the contracting authority in an inadmissible manner,

   b) attempted to obtain confidential information by means of which it could obtain undue advantages in the award procedure, or

   c) negligently or intentionally conveyed misleading information that could significantly influence the award decision of the contracting authority, nor has it attempted to convey such information.

IV. Pursuant to

1. Section 21 Schwarzarbeitsbekämpfungsgesetz (SchwarzArbG) – »German Act to Combat Clandestine Employment«, or
2. Section 21 Arbeitnehmerentsendegesetz (AEntG) – »German Act on Employee Secondment«, or
3. Section 98c Aufenthaltsgesetz (AufenthG) – »Foreign Residence Act«, or
4. Section 19 Mindestlohngesetz (MiLoG) – »Minimum Wage Act«,

the applicant / bidder declares that their company has not been sentenced to imprisonment of more than three months or to a financial penalty based on more than 90 days income, or to a fine of more than 2,500 euros.

V. Pursuant to Section 22 Lieferkettensorgfaltspflichtengesetz (LkSG) – »Act on Corporate Due Diligence Obligations in Supply Chains«,

the applicant / bidder declares that their company has not been fined in accordance with Section 24 (2) LkSG for a violation under section 24 (1) LkSG that has been established by final and binding decision.

VI. Pursuant to Section 14 Bundestariftreuegesetz (BTTG) – »Federal Collective Bargaining Compliance Act«,

the applicant / bidder declares that there are no exclusion criteria, under which a violation pursuant to Section 13 (1) BTTG has been established as final and non-appealable.

The applicant/bidder submits the self-declaration in a binding, complete, and unchanged form.

The date of submission applies.

Person making the declaration
text form in accordance with Section 126b Bürgerliches Gesetzbuch (BGB) – »German Civil Code« [link]