



A contracting authority means the State, a province, a municipality, a water board or a body governed by public law, or a consortium of such authorities or bodies governed by public law.

To be completed by the contracting authority

When there is a public procurement procedure **above** the applicable threshold for European public procurement procedures points 2 and 3 apply; point 4 does not form part of the Self-declaration. When there is a public procurement procedure **below** the applicable threshold for European public procurement procedures point 4 applies; points 2 and 3 do not form part of the Self-declaration.

Self-declaration for public procurement procedures by contracting authorities

With public procurement procedure

Name contracting authority:

Name public procurement procedure:

With reference number:

This public procurement procedure concerns:

- ☐ a public procurement procedure **above** the applicable threshold for European public procurement procedures¹
- ☐ a public procurement procedure **below** the applicable threshold for European public procurement procedures

1 General information

To be completed by the enterprise

“Enterprise” means a contractor, supplier, or service provider.

1.1 Name enterprise:

1.2 Details enterprise:
Registered address:

Street and house number:

Postcode:

Town/city:

Country of registration:

Phone number:

E-mail:

Correspondence address:

P.O. Box:

Postcode:

Town/city:

1.3 Number of entry in the Dutch Trade Register (*handelsregister*),² or a comparable trade register in the enterprise’s country of registration:

This means the person within the enterprise specified in 1.1 who will act as the contact for this public procurement procedure.

1.4 Details of enterprise’s contact person:

Name:

Phone number:

E-mail:

¹ The threshold values for European public procurement procedures are set out in Article 7 of Directive 2004/18/EC. The European Commission calculates new threshold values every two years; these are published in the Official Journal of the European Union.

² Article 2, Dutch Trade Registers Act (*Handelsregisterwet*) 2007

A group of enterprises (consortium) means a number of enterprises that tender for the award of a contract jointly. The enterprises making up the consortium must be listed in 1.5. Each member of the consortium must complete a separate Self-declaration.
Important: The above refers to the situation in which there is a consortium. It does not refer to the situation in which the enterprise relies on a third party. The third party the enterprise relies on for the fulfilment of requirements does not need to complete a Self-declaration.

1.5 (If applicable)
Other member(s) of
the consortium:

Name:	Phone number:	E-mail:
Name:	Phone number:	E-mail:
Name:	Phone number:	E-mail:
Name:	Phone number:	E-mail:
Name:	Phone number:	E-mail:

In the case a consortium tenders, at 1.6 at least, the name of the enterprise that acts as the intermediary on behalf of the consortium must be noted.

1.6 (If applicable)
Name of the intermediary
of the consortium:

The information requested in this Self-declaration must be equal to what is requested in the other procurement documents.

> The undersigned hereby declares that:

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE ABOVE THE APPLICABLE THRESHOLD FOR EUROPEAN PUBLIC PROCUREMENT PROCEDURES, AND THEREFORE THE STATUTORY MANDATORY EXCLUSION GROUNDS APPLY:

2 Mandatory exclusion grounds above the threshold for European public procurement procedures³

in the four years prior to the request to participate or the tender, a court has not imposed a conviction by final judgement, on the enterprise or a director of the enterprise because of:

The mandatory exclusion grounds set forth in 2.1 must always be requested in the case of public procurement procedures above the applicable threshold for European public procurement procedures. These exclusion grounds include at least sentencing pursuant to the following articles of the Dutch Criminal Code (*Wetboek van Strafrecht*): 140, 177, 177a, 178, 225, 226, 227, 227a, 227b or 323a, 328ter(2), 420bis, 420ter or 420quater.

- 2.1 participation in a criminal organisation; this includes the following conduct:
 1. conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organisation to commit the offences in question, actively takes part in:
 - activities of a criminal organisation, which shall be taken to mean a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or by a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offences concerned are not actually committed;
 - the organisation's other activities in the further knowledge that its participation will contribute to the achievement of the above-mentioned criminal activities of the organisation.
 2. Conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of an offence as mentioned above, even if that person does not take part in the actual execution of the activity.
- 2.2 corruption; corruption shall be taken to mean deliberately promising or giving, directly or through an intermediary, an advantage of any kind whatsoever to an official, for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties; or in the private sector, directly or through an intermediary, deliberately promising, offering or giving an undue advantage of any kind whatsoever, for himself or for a third party, in the course of business activities of that person in order that the person should perform or refrain from performing an act, in breach of his duties;

³ Article 2.86, Public Procurement Act (*Aanbestedingswet*) 2012

Self-declaration

for public procurement procedures by contracting authorities

- 2.3 fraud; fraud meaning both expenditure fraud and revenue fraud. This means any act or deliberate omission involving the use or presentation of false, incorrect or incomplete statements or documents which has as its effect the misappropriation or wrongful retention of funds from, or the illegal diminution of the resources of the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities, non-disclosure of information in violation of a specific obligation, with the same effect, the misapplication of such funds for the purpose other than those for which they were originally granted or the misapplication of a legally obtained benefit with the same effect;
- 2.4 money laundering, which shall be taken to mean:
1. the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his actions;
 2. the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity;
 3. the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such activity;
 4. participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing three paragraphs;

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE ABOVE THE APPLICABLE THRESHOLD FOR EUROPEAN PUBLIC PROCUREMENT PROCEDURES, WITH OPTIONAL EXCLUSION GROUNDS APPLYING:

To be ticked by the contracting authority

3 Optional exclusion grounds above the threshold for European public procurement procedures⁴

(The contracting authority ticks, if it has declared any exclusion grounds applicable to this public procurement procedure, the boxes of those criteria.)

If the contracting authority has declared optional exclusion grounds applicable, it should indicate which of the criteria apply to the public procurement procedure. The contracting authority can also decide not to apply any optional exclusion grounds; in that case, the contracting authority does not need to tick any boxes at point 3. If the contracting authority does apply optional exclusion grounds, it must consider for each public procurement procedure whether it is relevant and proportionate to apply the optional exclusion grounds.

- 3.1 ☐ his enterprise is not bankrupt or being wound up, its affairs are not being administered by the court, it has not entered into an arrangement with creditors, it has not suspended business activities and is not in any analogous situation arising from a similar procedure under national laws and regulations;
- 3.2 ☐ in the four years prior to the request to participate or the tender, his economic operator or a director of his enterprise, has not been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning its professional conduct;

The Dutch Proportionality Guide (*Gids proportionaliteit*) indicates in the text by prescription 3.5A, which concerns optional exclusion grounds, that the optional exclusion ground concerning grave professional misconduct is an open standard susceptible of various interpretations; it is therefore difficult to apply. The Dutch Proportionality Guide (*Gids proportionaliteit*) then indicates that one should only apply this exclusion ground in very restricted cases.

- 3.3 ☐ in the four years prior to the request to participate or the tender, his enterprise or a director of his enterprise has not been guilty of grave professional misconduct;
- 3.4 ☐ his enterprise has fulfilled its obligations relating to the payment of social security contributions or taxes in accordance with the applicable legal provisions;

If false or incomplete information is provided in the framework of this public procurement procedure, the contracting authority may exclude the enterprise from a current public procurement procedure. Information provided in the framework of public procurement procedures within the meaning of point 3.5 comprises all information requested by the contracting authority in the context of the public procurement procedure.

- 3.5 ☐ his enterprise is not guilty of serious misrepresentation in supplying the information required by the contracting authority in the framework of public procurement procedures, nor has it failed to supply such information or failed to supply it in full.

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE **BELOW** THE APPLICABLE THRESHOLD FOR EUROPEAN PUBLIC PROCUREMENT PROCEDURES, WITH OPTIONAL EXCLUSION GROUNDS APPLYING:

To be ticked by the contracting authority

4 Optional exclusion grounds below the threshold for European public procurement procedures

(The contracting authority ticks, if it has declared any exclusion grounds applicable to this public procurement procedure, the boxes of those criteria. If it ticks point 4.10, the contracting authority must specify that exclusion ground.)

If the contracting authority has declared optional exclusion grounds applicable, it should indicate which of the criteria apply to the public procurement procedure. The contracting authority can also decide not to apply any optional exclusion grounds; in that case, the contracting authority does not need to tick any boxes at point 4. If the contracting authority does apply optional exclusion grounds, it must consider for each public procurement procedure whether it is relevant and proportionate to apply the optional exclusion grounds.

- 4.1 ☐ in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of participation in a criminal organisation; this includes the following conduct:
1. conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organisation to commit the offences in question, actively takes part in:
 - activities of a criminal organisation, which shall be taken to mean a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or by a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offences concerned are not actually committed;
 - the organisation's other activities in the further knowledge that its participation will contribute to the achievement of the above-mentioned criminal activities of the organisation.
 2. conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of an offence as mentioned above, even if that person does not take part in the actual execution of the activity.
- 4.2 ☐ in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of corruption; corruption shall be taken to mean deliberately promising or giving, directly or through an intermediary, an advantage of any kind whatsoever to an official, for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties; or in the private sector, directly or through an intermediary, deliberately promising, offering or giving an undue advantage of any kind whatsoever, for himself or for a third party, in the course of business activities of that person in order that the person should perform or refrain from performing an act, in breach of his duties;
- 4.3 ☐ in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of fraud; fraud meaning both expenditure fraud and revenue fraud. This means any act or deliberate omission involving the use or presentation of false, incorrect or incomplete statements or documents which has as its effect the misappropriation or wrongful retention of funds from, or the illegal diminution of the resources of the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities, non-disclosure of information in violation of a specific obligation, with the same effect, the misapplication of such funds for the purpose other than those for which they were originally granted or the misapplication of a legally obtained benefit with the same effect;
- 4.4 ☐ in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of money laundering, which shall be taken to mean:
1. the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his actions;
 2. the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity;
 3. the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such activity;
 4. participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing three paragraphs;
- 4.5 ☐ his enterprise is not bankrupt or being wound up, its affairs are not being administered by the court, it has not entered into an arrangement with creditors, it has not suspended business activities and is not in any analogous situation arising from a similar procedure under national laws and regulations;
- 4.6 ☐ in the four years prior to the request to participate or the tender, his enterprise or a director of his enterprise, has not been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning its professional conduct;

4.7 ☐ in the four years prior to the request to participate or the tender, his enterprise or a director of his enterprise has not been guilty of grave professional misconduct;

4.8 ☐ his enterprise has fulfilled its obligations relating to the payment of social security contributions or taxes in accordance with the applicable legal provisions;

4.9 ☐ his enterprise is not guilty of serious misrepresentation in supplying the information required by the contracting authority in the framework of public procurement procedures, nor has it failed to supply such information or failed to supply it in full.

4.10 ☐ (an exclusion ground specified by the contracting authority)

[illegible]

To be ticked and
completed by the
contracting authority

5

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE WITH SUITABILITY REQUIREMENTS:

Suitability requirements⁵ (optional)

(The contracting authority ticks, if it has declared any suitability requirements applicable to this public procurement procedure, the boxes of those requirements.)

If the contracting authority has declared suitability requirements applicable, it should indicate which of the requirements apply to the public procurement procedure. Suitability requirements include requirements regarding financial and economic standing, requirements regarding technical and/or professional ability and suitability to pursue the professional activity. Suitability requirements are requirements imposed on the enterprise, not requirements on the performance of the contract. When deciding whether to apply suitability requirements or what suitability requirements to apply, the contracting authority must determine whether the requirements are proportionate in light of the contract.

- 5.1 ☐ his enterprise complies with the requirements set out in the procurement documents regarding financial and economic standing as included in:

Document name:

Page or section number:

- 5.2 ☐ his enterprise complies with the requirements set out in the procurement documents regarding technical and/or professional ability as included in:

Document name:

Page or section number:

The contracting authority can request an enterprise to proof its entry in a professional or trade register in accordance with the regulations applying in the Member State of origin. If candidates or tenderers in a public procurement procedure have to possess a particular authorization or to be a member of a particular organisation in their country of origin in order to be able to perform the service concerned, the contracting authority may require such candidates or tenderers to prove that they hold such authorization or membership. The enterprise must provide the name and registration number of that organisation in the Self-declaration.

- 5.3 ☐ his enterprise complies with the requirements set out in the procurement documents regarding suitability to pursue the professional activity as included in:

Document name:

Page or section number:

(in the case of a public procurement procedure for services, if the enterprise is a member of a particular organisation)
Name and registration number of the organisation concerned:

To be completed by
the enterprise

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE WITH TECHNICAL SPECIFICATIONS AND PERFORMANCE CONDITIONS:

6

Technical specifications and performance conditions⁶ (optional)

(The contracting authority ticks the box, if it has declared any technical specifications and performance conditions applicable to this public procurement procedure.)

The contracting authority can apply technical specifications and impose special conditions for the performance of the contract. Technical specifications and special conditions for the performance of the contract fall within the scope of this Self-declaration if they relate to the environment and animal welfare, or are based on social considerations. If the contracting authority has imposed such technical specifications or special conditions, it must tick point 6.1. When doing this, the principle of proportionality must of course be taken into account. It must be clear to tenderers which technical specifications and conditions in the procurement documents are being referred to; it is therefore advisable for the contracting authority to place all the technical specifications and performance conditions together in the procurement documents so that tenderers can easily find what technical specifications and performance conditions have been applied in this regard.

- 6.1 ☐ his enterprise complies or will comply with the technical specifications and performance conditions set out in the procurement documents regarding the environmental and animal welfare, or are based on social considerations, as included in:

Document name:

Page or section number:

To be ticked and
completed by the
contracting authority

⁵ Article 2.90, Public Procurement Act (Aanbestedingswet) 2012

⁶ Articles 2.75 and 2.80, Public Procurement Act (Aanbestedingswet) 2012

To be ticked and completed by the enterprise

No changes may be made to the text of the Self-declaration. The signatory can state at point 7.1 that there is an exclusion ground and/or requirement that is not complied with, with an explanation of why the enterprise finds that not complying should not lead to exclusion of the enterprise from the public procurement procedure. Requirements shall be taken to mean suitability requirements and technical specifications and performance conditions. In order to be taken into account for the award of the contract despite not complying with an exclusion ground and/or requirement, the enterprise must of course give thoroughly and properly substantiated reasons for consideration by the contracting authority. The contracting authority will need to consider whether the explanation given for the enterprise not complying with the exclusion ground and/or the requirement is sufficient for the enterprise to still be admitted to the public procurement procedure.

Important: The enterprise should only complete this section if it fails to comply with the applicable requirements even on the basis of the consortium in which it takes part or with the assistance of one or more third parties.

Exclusion ground/requirement:

[illegible]

Exclusion ground/requirement:

Explanation:

Exclusion ground/requirement:

Explanation:

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE IN WHICH AN ENTERPRISE TAKES PART IN A CONSORTIUM OR RELIES ON ONE OR MORE THIRD PARTIES:

To be completed by
the enterprise

8

Consortium or relying on one or more third parties

(In the case of a consortium, the enterprise indicates at 8.1 the suitability requirements for which the enterprise is engaged. If the enterprise relies on one or more third parties to fulfil suitability requirements, it must indicate at 8.2 the suitability requirements for which it relies on one or more third parties.)

If the enterprise has indicated at 1.5 that the tender is submitted by a consortium, the enterprise must indicate at 8.1 the requirements with which it complies.

8.1 (In the case of a consortium) his enterprise is engaged for the following suitability requirements:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

If the enterprise relies on one or more third parties, it must indicate at 8.2 the suitability requirements for which it does so.

8.2 (If applicable) his enterprise relies on the following third party/third parties for the fulfilment of the following suitability requirements:

Requirement:

Third party:

Requirement:

Third party:

Requirement:

Third party:

Requirement:

Third party:

Requirement:

Third party:

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Requirement:

Third party:

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Requirement:

Third party:

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Requirement:

Third party:

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Requirement:

Third party:

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Requirement:

Third party:

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To be completed by
the enterprise

9 Signing

Annex 1 also forms part of this Self-declaration. If selection criteria apply, this must be indicated in that annex.

- 9.1 he has signed this declaration and, if applicable, the attached annex, unconditionally and without any reservation; he is aware that providing incorrect or incomplete information can be considered by the contracting authority as serious misrepresentation in supplying information within the meaning of points 3.5 or 4.9 of this Self-declaration, and that this may lead to unconditional exclusion for the remainder of this public procurement procedure;
- 9.2 he has made no changes to the text of this declaration;
- 9.3 the declaration has been signed by a person with authority to represent the enterprise, as appears from the Dutch Trade Register (*handelsregister*) or a comparable trade register in the enterprise's country of registration:

"Authority to represent" means that the person or persons who signs/sign the Self-declaration must be registered in the Dutch Trade Register (*handelsregister*) as a person/persons with authority to represent the enterprise. If the entry in the Dutch Trade Register (*handelsregister*) indicates that two or more persons are only authorised to represent the enterprise jointly, the Self-declaration must be signed by those two or more persons. Account must be taken of any limitations on the authority to represent the enterprise.

Name of signatory with the authority to represent the enterprise:

Date:

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Signature:

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Name of signatory with the authority to represent the enterprise:

Date:

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Signature:

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Name of signatory with the authority to represent the enterprise:

Date:

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Signature:

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The form must be completed in full and signed before being submitted. An annex may be attached to the Self-declaration if any of the fields to be completed does not allow sufficient space. The title of the annex must be clearly indicated in the field where reference is made to it.

Annex 1: Selection criteria

The contracting authority should, if it has declared selection criteria applicable to this public procurement procedure, indicate the selection criteria that apply. When deciding whether to apply selection criteria or what selection criteria to apply, the contracting authority must determine whether the criterion is proportionate in light of the contract.

[illegible]

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Selection criterion contracting authority:

Response enterprise:

Selection criterion contracting authority:

Response enterprise:
