



Suitability and grounds for exclusion

Section: Absence of grounds for exclusion

☐ **We declare** that

- there are no grounds for disqualification pursuant to § 123 of the Law Against Restraints on Unfair Competition (GWB), as no person whose conduct is attributable to the enterprise has been legally convicted of an offence referred to in § 123 (1) GWB and no fine has been legally imposed on the enterprise pursuant to § 30 of the Administrative Offences Act (OWiG) for an offence referred to in § 123 (1) GWB, not even under the comparable provisions of other countries.

The following offences are mentioned in § 123 (1) GWB:

- i. § 129 of the Criminal Code (formation of criminal organisations), § 129a of the Criminal Code (formation of terrorist organisations) or § 129b of the Criminal Code (criminal and terrorist organisations abroad),
 - ii. § 89c of the Criminal Code (financing of terrorism) or participating in such an act or providing or collecting financial resources with the knowledge that these financial resources will be used or are intended to be used, in whole or in part, to commit an act under § 89a (2) of the Criminal Code,
 - iii. § 261 of the Criminal Code (money laundering; concealment of unlawfully obtained assets),
 - iv. § 263 of the Criminal Code (fraud), insofar as the offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf,
 - v. § 264 of the Criminal Code (subsidy fraud), insofar as the offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf,
 - vi. § 299 of the Criminal Code (bribery and corruption in commercial transactions), §§ 299a and 299b of the Criminal Code (bribery and corruption in the health sector),
 - vii. § 108e of the Criminal Code (corruption and bribery of mandate holders),
 - viii. §§ 333 and 334 of the Criminal Code (granting of advantages and bribery), in each case also in conjunction with § 335a of the Criminal Code (foreign and international officials),
 - ix. Article 2, § 2 of the Act to Combat International Bribery (IntBestG) (bribery of foreign members of parliament in connection with international business transactions) or
 - x. § 232, 232a (1) to (5), §§ 232b to 233a of the Criminal Code (human trafficking, forced prostitution, forced labour, exploitation of labour, exploitation by way of deprivation of liberty).
- we have duly fulfilled our obligation to pay taxes, duties and contributions to statutory social insurance (§ 123 (4) GWB);



- our enterprise has not violated the applicable environmental, social and labour law obligations in the execution of public contracts (§ 124 (1) (1) GWB);
- our enterprise is solvent, no insolvency proceedings or comparable proceedings have been applied for or initiated against our assets, and the initiation of such proceedings has not been rejected for lack of assets (§ 124 (1) (2) GWB);
- our enterprise is not in liquidation nor has it ceased its activities (§ 124 (1) (2) GWB);
- our enterprise has not committed any serious misconduct in the course of its professional activities which calls into question the integrity of our company (§ 124 (1) (3) GWB);
- we have not entered into any agreements with other companies which have as their object or effect the prevention, restriction or distortion of competition (§ 124 (1) (4) GWB);
- there is no conflict of interest on our part in the conduct of the award procedure which could impair the impartiality and independence of a person acting on behalf of the contracting authority in the conduct of the award procedure and which cannot be effectively eliminated by other, less drastic measures than exclusion from participation in the award procedure (§ 124 (1) (5) GWB);
- no distortion of competition results from our enterprise having already been involved in the preparation of the award procedure and this distortion of competition cannot be eliminated by other, less drastic measures (§ 124 (1) (6) GWB);
- our enterprise has not significantly or persistently failed to fulfil any essential requirement in the performance of a previous public contract or concession contract and this has not led to early termination, damages or a comparable legal consequence (§ 124 (1) (7) GWB);
- our enterprise has not committed a serious deception with regard to grounds for exclusion or selection criteria or withheld information and is able to provide the required evidence (§ 124 (1) (8) GWB); and
- our enterprise
 - a. has not attempted to influence the decision-making of the contracting authority in an inadmissible manner,
 - b. has not attempted to obtain confidential information through which it could gain undue advantage in the award procedure, and
 - c. has not negligently or intentionally communicated or attempted to communicate misleading information which could significantly influence the contracting authority's decision to award the contract;
- our enterprise has not been fined at least two thousand five hundred euros for an infringement under § 23 of the Posted Workers Act (AEntG);
- our enterprise has not been fined at least two thousand five hundred euros for an infringement under § 21 of the Minimum Wage Act (MiLoG);
- our enterprise,
 - a. due to a number of employees (inside and outside Germany) that is **below** the relevant statutory threshold values (2023: $\geq 3,000$, 2024 $\geq 1,000$) or
 - b. in the absence of a head office, principal place of business, place of administration, statutory seat or branch in Germany pursuant to § 13d of the Commercial Code (HGB),



does **not** have to comply with the provisions of the Act on Due Diligence Obligations in Supply Chains (LkSG) or

our enterprise,

- a. due to a number of employees (inside and outside Germany) that is **above** the relevant statutory threshold values (2023: $\geq 3,000$, 2024 $\geq 1,000$), **complies with and implements** the applicable provisions of the Act on Due Diligence Obligations in Supply Chains and
- b. **no violation** of § 24 (1) LkSG has been legally established against our company in the past 3 years and no fine has been imposed in accordance with § 22 (2) LkSG;

- our enterprise, or its authorised representatives according to the articles of association, has not, pursuant to
 - a. § 8 (1) (2), §§ 10 to 11,
 - b. § 404 (1) or (2) (3) of the Third Book of the Social Security Code,
 - c. §§ 15, 15a, 16 (1) (1), (1c), (1d), (1f) or (2) of the Temporary Employment Act (AÜG) or
 - d. § 266a (1) to (4) of the Criminal Code

been sentenced to imprisonment of more than three months or a monetary penalty of more than ninety daily rates, or been fined at least two thousand five hundred euros;

- our enterprise or its authorised representative according to the articles of association or the law has not
 - a. been fined at least two thousand five hundred euros pursuant to § 404 (2) (3) of the Third Book of the Social Security Code, or
 - b. been finally sentenced to imprisonment of more than three months or a monetary penalty of more than 90 daily rates pursuant to § 10, 10a or 11 of the Act to Combat Clandestine Employment (SchwarzArbG).

Please note:

In the case of a contract value of 30,000 euros or higher: before awarding the contract, the Client is obliged to obtain an extract from the competition register for the bidder who will be awarded the contract.

In the case of self-cleaning, please present the evidence informally pursuant to Section 125 (1) sentence 1 no. 1, no. 2 and no. 3 GWB.

**Section:
Professional or commercial registration**

We declare that our company
(please tick the appropriate box).

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	is registered as follows in the professional or commercial register in accordance with the legal provisions of the state in which our company is domiciled: Register: [] Number: []
☐	is not registered in the professional or commercial register, but has the following equivalent authorisation to practise the profession:

Section: Public liability insurance

We declare that
(please tick the appropriate box).

- ☐ we already currently hold **public** liability insurance with a **sum insured** of
- **at least 5 million EUR (double aggregate limit** per insurance year) for personal injury and property damage
 - **at least 250,000 EUR (double aggregate limit** per insurance year) for financial losses;
- we enclose a relevant **confirmation of insurance** or **copy of the insurance policy** as **proof**.
- ☐ it is possible for us to take out insurance and we will be able to take out appropriate insurance if awarded the contract;
we enclose a relevant **confirmation of insurance** or **confirmation of an insurance broker** as **proof**.

Collective declaration

We hereby confirm the integrity of the information ticked and completed in the previous sections with the following declaration in text form within the meaning of § 126b of the Civil Code (BGB):



(Place, date)

(Name of the company)

(Name of the declarant)