European Single Procurement Document (ESPD)

Part III: Exclusion grounds

A: Grounds relating to criminal convictions

Article 57(1) of Directive 2014/24/EU sets out the following reasons for exclusion

Participation in a criminal organisation

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for participation in a criminal organisation, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Corruption

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for corruption, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As

defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator."

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Fraud

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for fraud, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? Within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48).

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Terrorist offences or offences linked to terrorist activities

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for terrorist offences or offences linked to terrorist activities, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3). This exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision.

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Money laundering or terrorist financing

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for money laundering or terrorist financing, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of

the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Child labour and other forms of trafficking in human beings

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for child labour and other forms of trafficking in human beings, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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In relation to the questions in Part III B, Contracting Authorities should bypass the fields Threshold, Currency and Additional Information. Economic Operators will still be required to answer Yes or No to these questions in their ESPD Response.

B: Grounds relating to the payment of taxes or social security contributions

Article 57(2) of Directive 2014/24/EU sets out the following reasons for exclusion

Payment of taxes

Has the economic operator breached its obligations relating to the payment of taxes, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Your answer?

❍ Yes

❍ No

Threshold

-

Currency

Additional information

-

Country or Member State concerned

All

Amount concerned

Has this breach of obligations been established by means other than a judicial or administrative decision?

❍ Yes

❍ No

If this breach of obligations was established through a judicial or administrative decision, was this decision final and binding?

❍ Yes

❍ No

Please indicate the date of conviction or decision

-

In case of a conviction, insofar as established directly therein, the length of the period of exclusion

-

Please describe which means were used

-

Has the economic operator fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines?

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

-

Payment of social security

Has the economic operator breached its obligations relating to the payment social security contributions, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Your answer?

❍ Yes

❍ No

Threshold

-

Currency

Additional information

-

Country or Member State concerned

All

Amount concerned

Has this breach of obligations been established by means other than a judicial or administrative decision?

❍ Yes

❍ No

If this breach of obligations was established through a judicial or administrative decision, was this decision final and binding?

❍ Yes

❍ No

Please indicate the date of conviction or decision

-

In case of a conviction, insofar as established directly therein, the length of the period of exclusion

-

Please describe which means were used

-

Has the economic operator fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines?

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Important Note: Sections 3A and 3B of the ESPD are mandatory Exclusion Grounds and must be answered, these are pre-selected as a result. The Exclusion

Grounds in Section 3C are discretionary for the Contracting Authority to select if appropriate to a specific tender process.

C: Grounds relating to insolvency, conflicts of interests or professional misconduct

Article 57(4) of Directive 2014/24/EU sets out the following reasons for exclusion

Breaching of obligations in the field of environmental law

Has the economic operator, to its knowledge, breached its obligations in the field of environmental law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

Your answer?

❍ Yes

❍ No

Please describe them

-

Have you taken measures to demonstrate your reliability ("Self-Cleaning")

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Breaching of obligations in the field of social law

Has the economic operator, to its knowledge, breached its obligations in the field of social law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

Your answer?

❍ Yes

❍ No

Please describe them

-

Have you taken measures to demonstrate your reliability ("Self-Cleaning")

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Breaching of obligations in the fields of labour law

Has the economic operator, to its knowledge, breached its obligations in the field of labour law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

Your answer?

❍ Yes

❍ No

Please describe them

-

Have you taken measures to demonstrate your reliability ("Self-Cleaning")

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes
❍ No

URL

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Reference/Code

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Issuer

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Bankruptcy

Is the economic operator bankrupt? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer?

❍ Yes
❍ No

Please describe them

-

Indicate reasons for being able nevertheless to perform the contract

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes
❍ No

URL

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Reference/Code

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Issuer

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Insolvency

Is the economic operator the subject of insolvency or winding-up? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer?

❍ Yes

❍ No

Please describe them

-

Indicate reasons for being able nevertheless to perform the contract

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Arrangement with creditors

Is the economic operator in arrangement with creditors? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer?

❍ Yes

❍ No

Please describe them

-

Indicate reasons for being able nevertheless to perform the contract

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Analogous situation like bankruptcy under national law

Is the economic operator in in any analogous situation like bankruptcy arising from a similar procedure under national laws and regulations? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer?

❍ Yes

❍ No

Please describe them

-

Indicate reasons for being able nevertheless to perform the contract

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Assets being administered by liquidator

Are the assets of the economic operator being administered by a liquidator or by the court? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer?

❍ Yes

❍ No

Please describe them

-

Indicate reasons for being able nevertheless to perform the contract

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Business activities are suspended

Are the business activities of the economic operator suspended? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Your answer?

❍ Yes

❍ No

Please describe them

-

Indicate reasons for being able nevertheless to perform the contract

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Agreements with other economic operators aimed at distorting competition

Has the economic operator entered into agreements with other economic operators aimed at distorting competition?

Your answer?

❍ Yes
❍ No

Please describe them

-

Have you taken measures to demonstrate your reliability ("Self-Cleaning")

❍ Yes
❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes
❍ No

URL

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Reference/Code

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Issuer

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Guilty of grave professional misconduct

Is the economic operator guilty of grave professional misconduct? Where applicable, see definitions in national law, the relevant notice or the procurement documents.

Your answer?

❍ Yes
❍ No

Please describe them

-

Have you taken measures to demonstrate your reliability ("Self-Cleaning")

❍ Yes
❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes
❍ No

URL

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Reference/Code

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Issuer

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Conflict of interest due to its participation in the procurement procedure

Is the economic operator aware of any conflict of interest, as indicated in national law, the relevant notice or the procurement documents due to its participation in the procurement procedure?

Your answer?

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Direct or indirect involvement in the preparation of this procurement procedure

Has the economic operator or an undertaking related to it advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure?

Your answer?

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes
❍ No

URL

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Reference/Code

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Issuer

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Early termination, damages or other comparable sanctions

Has the economic operator experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract?

Your answer?

❍ Yes
❍ No

Please describe them

-

Have you taken measures to demonstrate your reliability ("Self-Cleaning")

❍ Yes
❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes
❍ No

URL

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Reference/Code

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Issuer

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Guilty of misinterpretation, withheld information, unable to provide required documents and obtained confidential information of this procedure

Can the economic operator confirm that:a) It has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria,b) It has withheld such information,c) It has not been able, without delay, to submit the supporting documents required by a contracting authority or contracting entity, andd) It has undertaken to unduly influence the decision making process of the contracting authority or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?

Your answer?

❍ Yes

❍ No

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Part IV: Selection criteria

A: Suitability

Article 58(2) of Directive 2014/24/EU sets out the following selection criteria

B: Economic and financial standing

Article 58(3) of Directive 2014/24/EU sets out the following selection criteria

C: Technical and professional ability

Article 58(4) of Directive 2014/24/EU sets out the following selection criteria

D: Quality assurance schemes and environmental management standards

Article 62(2) of Directive 2014/24/EU sets out the following selection criteria

Finish

Part V: Reduction of the number of qualified candidates

The economic operator declares that:

It meets the objective and non discriminatory criteria or rules to be applied in order to limit the number of candidates in the following way:

In case certain certificates or other forms of documentary evidence are required, please indicate for each whether the economic operator has the required documents:

If some of these certificates or forms of documentary evidence are available electronically, please indicate for each:

Your answer?

❍ Yes

❍ No

Please describe them

-

Is this information available at no cost to the authorities from an EU Member State database?

❍ Yes

❍ No

URL

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Reference/Code

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Issuer

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Part VI: Concluding statements

The economic operator formally declare that the information stated under Parts II - V above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.

The undersigned formally declare to be able, upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where:

a) The contracting authority or contracting entity has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge (on condition that the economic operator has provided the necessary information (web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevantï¿½consent to such access), or

b) As of 18 October 2018 at the latest (depending on the national implementation of the second subparagraph of Article 59(5) of Directive 2014/24/EU), the contracting authority or contracting entity already possesses the documentation concerned.

The undersigned formally consent to [identify the contracting authority or contracting entity as set out in Part I, Section A], gaining access to documents supporting the information, which has been provided in [identify the Part/Section/Point(s) concerned] of this European Single Procurement Document for the purposes of [identify the procurement procedure: (summary description, reference of publication in the Official Journal of the European Union, reference number)].

Date, place and, where required or necessary, signature(s):

Date

-

Place

-

Signature