Solemn Declaration regarding grounds for exclusion

The entity issuing the Solemn Declaration

Name:

Address:

CVR no. (business reg. no.) / VAT no.:

Contact person - name:

hereby declares

**that** the entity is not in any of the grounds for exclusion covered by the Danish Public Procurement Act, sections 135(1)-(3), 136 and section 137(1), para 2, see section 4 of the Tender Specifications.

As to the wording of the provisions, reference is made to the Danish Public Procurement Act *(udbudsloven)*.

 on

  *Place Date*

*Binding signature of the entity*

**Extract of the unofficial translation of the Public Procurement Act Section 135, 136 and 137 (1), para 2**

**Section 135.** A contracting authority shall exclude a candidate or a tenderer from participation in a procurement procedure,

when the candidate or tenderer has been convicted or fined by final judgement for

1. actions committed as part of a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 (Official Journal of the European Union 2008, No. L 300, page 42),
2. corruption as defined in Article 3 of convention on combating of corruption involving officials of the European Union and of the EU member states and Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating of corruption in the private sector (Official Journal of the European Union 2003, No. L 192, page 54) and corruption as defined by national law in the member state or home country of the candidate or tenderer or in the country in which the candidate or tenderer is established,
3. fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities,
4. acts of terror or criminal acts related to terrorist activities within the meaning of Article 1, 3 and 4, respectively, of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (Official Journal of the European Union 2002, No. L 164, page 3) and amending Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (Official Journal of the European Union 2008, No. L 330, page 21),
5. money laundering or financing of terrorism as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on prevention of the use

of the financial system for the purpose of money laundering or financing of terrorism (Official Journal of the European Union 2005, No. L 309, page 15), or

1. breach of section 262 a of the Danish Penal Code or as regards a judgement issued in another country concerning child labour or other types of human trafficking 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/HJA (Official Journal of the European Union 2011, No. L 101, page 1).
2. The contracting authority shall exclude a candidate or tenderer where a person who has been convicted by final judgement or who has been fined for the actions stated in (1) is a member of the board, management or supervisory committee of the economic operator. Further, the contracting authority shall exclude a candidate or tenderer if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the candidate or tenderer.
3. The contracting authority shall exclude a candidate or tenderer which has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to tax, duties or social security contributions under Danish law or under the law of the country in which the candidate or tenderer is established.
4. The contracting authority may omit to exclude a candidate or tenderer subject to (3) where
5. all candidates or tenderers are subject to (3),
6. the candidate or tenderer provides guarantee of payment of the part of the debt which constitutes DKK 100,000 or more, or
7. the candidate or tenderer has agreed on a repayment scheme with the collection authority, and that scheme is observed.
8. The contracting authority may omit to exclude a candidate or tenderer subject to (1-3) out of overriding reasons relating to the public interest.

**Section 136.** A contracting authority shall exclude a candidate or a tenderer from participation in a procurement procedure where the contracting authority can prove that:

1. in relation to the procurement procedure referred to, a conflict of interest, cf. section 24, item 18, cannot be removed effectively by less radical means,
2. a distortion of competition as discussed in section 39 as a result of the prior involvement of economic operators in the preparation of the procurement procedure in relation to the procurement procedure referred to which cannot be removed by less radical means, or
3. the candidate or tenderer of the procurement procedure referred to has provided incorrect information, retained information or is unable to submit additional documents in relation to the grounds for exclusion stated in section 135(1 or 3), and, if relevant, in section 137(1)(2 or 7) the fixed minimum requirements for suitability stipulated in sections 140-144 or selection in section 145.

**Section 137.** A contracting authority shall state in the contract notice if a candidate or tenderer will be excluded from participation in a procurement procedure, where

[…]

1. the candidate or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the candidate or tenderer is being administered by a receiver or by court if the candidate or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the candidate or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered,