

Annex F

Procurement provisions for use by Non-Governmental Organisations (NGOs) in the context of Sida-financed Project/Core Activities (Sida's Procurement Provisions)

3. Eligibility for contracts

3.1 Nationality

Participation in tender procedures administered by the Contracting Party is open on equal terms to all natural and legal persons irrespective of nationality.

3.2 Grounds for exclusion from participation in procurement

Candidates or tenderers will be excluded from taking part in a procurement procedure if:

- (1) it is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;
- (2) it has been established by a final judgment or a final administrative decision that the candidate/tenderer is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the candidate/tenderer belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes a wrongful intent or gross negligence, including, in particular, any of the following:
 - i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii) entering into agreement with other economic operators with the aim of distorting competition;
 - iii) violating intellectual property rights;
 - iv) attempting to influence the decision-making process of the Contracting Party during the procurement procedure; or

v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement procedure;

- (3) it has been established by a final judgment or a final administrative decision that the candidate/tenderer is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- (4) it has been established by a final judgment that they, or persons having powers of representation, decision making control over them, is guilty of any of the following fraud, corruption, involvement in a criminal organisation, money laundering, terrorist financing, child labour (or any other forms of trafficking in human beings) or any other illegal activity detrimental to Sweden's or Sida's interests;
- (5) the tenderer has shown significant deficiencies in complying with main obligations in the performance of a contract financed by Sida or the Contracting Party, which has led to the early termination of a legal commitment or to the application of liquidated damages or other contractual penalties or which has been discovered following checks and audits or investigations; or
- (6) they, their subsidiary, another company belonging to the same group of companies, a consortium partner or other affiliate is found on the list of EU restrictive measures. The lists of persons, groups, entities subject to the EU restrictive measures are published on the following website: www.sanctionsmap.eu.

Candidates or tenderers must certify on honour in their tenders that they are not in any of the situations listed above.

Points (1) to (3) do not apply to the purchase of supplies on particularly advantageous terms from either a supplier which is definitely winding up its business activities, or the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.