



**Open procedure: “Copy-editing of academic texts for the  
German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE)”**

**Annex 2 (Category 2):**

**Personal declaration of the absence of grounds for disqualification pursuant to  
Sections 123 and 124 of the German Act Against Restraints of Competition (GWB) in  
conjunction with Section 42 of the German Regulation on the Award of Public  
Contracts (VgV)**

Name of individual or company: \_\_\_\_\_

*Please tick as appropriate:*

Bidder	<input type="radio"/>
Member of bidder consortium (If so, please ensure that the other members submit a separate Personal declaration of the absence of grounds for disqualification pursuant to Sections 123 and 124 of the German Act Against Restraints of Competition (GWB) in conjunction with Section 42 of the German Regulation on the Award of Public Contracts (VgV).)	<input type="radio"/>

**I/we declare that there are no Section 123 GWB cases:**

I/we declare that no individual whose actions are attributable to my/our company pursuant to Section 123 (3) of the German Act Against Restraints of Competition (GWB) has been convicted by final judgement of any of the following offences and, furthermore, that no regulatory fine has been imposed on my/our company pursuant to Section 30 of the German Act on Regulatory Offences (OWiG) for any of the following offences:

- Membership of a criminal organisation (Section 129 of the German Criminal Code (StGB))
- Money laundering (Section 261 StGB)
- Fraud (Section 263 StGB), subsidy fraud (Section 264 StGB), obtaining credit by deception (Section 265b StGB)
- Taking and giving bribes in commercial practice (Section 299 StGB).

According to Section 123 (2) GWB, a conviction or the issuance of an administrative fine pursuant to Section 123 (1) GWB is equivalent to a conviction or the issuance of a fine under the comparable provisions of other countries.

According to Section 123 (3) GWB, the conduct of an individual convicted by final judgement is imputable to a company if that individual acted on behalf of the company's management board; this also includes supervision of management or the exercise of control in another manner in a managerial position.

If my/our bid is short-listed, I/we will at the Client's request provide an excerpt from a relevant register, in particular a certificate of good conduct from the German Federal Central Criminal Register (Bundeszentralregister) or, if this is not available, an equivalent certificate from a judicial or administrative authority in my/our country of origin or country of residence, for each individual whose actions are imputable to my/our company.

**I/we declare that I/we have fulfilled my/our legal obligation to pay taxes, duties and statutory social security contributions.**

I/we declare that I/we will undertake to ensure that the individuals deployed to carry out the work do not use, provide instruction in or otherwise disseminate the "technology of L. Ron Hubbard" in the course of delivering services.

In the event of a violation of this undertaking, the Client is entitled to terminate the agreement without notice for good cause. Further rights remain unaffected.

**I/we declare that there are demonstrably no Section 124 GWB cases which could result in disqualification from participation in the tendering process:**

I/we declare that

- my/our company has not violated any of its obligations under environmental, social or labour law in the course of carrying out public-sector work, my/our company is solvent, no insolvency or similar proceedings have been applied for or opened with regard to my/our company's assets or applied for but not opened due to lack of assets, and my/our company is not undergoing winding-up proceedings, nor has it been forced to suspend operations,
- my/our company has not engaged in any serious misconduct in the course of its business activities that would call into question its integrity,
- my/our company has not made any arrangements with other companies that, intentionally or otherwise, restrict, hinder or distort competition,
- taking part in this tendering process does not cause any conflict of interest which could compromise the impartiality and independence of an individual performing work for the public Client during the course of this process,
- my/our company was not already engaged in preparations for the tendering process and so there is no distortion of competition,
- my/our company has not engaged in any serious deception in relation to the grounds for disqualification/suitability criteria or withheld information, and it is able to provide the necessary proof,
- my/our company
  - a) has not attempted to influence the decision-making process of the public Client in an unlawful manner,
  - b) has not attempted to obtain confidential details about the tendering process which would allow it to gain an unfair advantage in the process, and
  - c) has not negligently or intentionally provided misleading information which could significantly influence the public Client's decision regarding the award of agreements, nor has it attempted to provide such information.

I/we are aware that Section 21 of the German Posted Workers Act (AEntG), Section 98c of the German Residence Act (AufenthG), Section 19 of the German Minimum Wage Act (MiLoG) and Section 21 of the German Act to Combat Clandestine Employment (SchwarzArbG), according to which the public Client is entitled to disqualify bidders in the cases stipulated therein, remain unaffected.

In the case of work orders worth EUR 30,000 or more, the public Client will request from the German Federal Office of Justice (BfJ) an excerpt from the Central Register of Companies (Gewerbezentralregister), pursuant to Section 150 of the German Industrial Code (Gewerbeordnung), for the bidder whose bid is to be accepted.

I/we are aware that knowingly providing false statements could lead to my/our disqualification from this and other tendering processes.

.....

Date, signature (text form\*)

*\*) legible declaration in which the company or acting individual is specified*