

# GROUNDS FOR EXCLUSION AND SELECTION CRITERIA

A Single Procurement Document or a European Single Procurement Document (ESPD) is the economic operator's self-declaration which serves as initial proof in the place of certificates issued by public authorities or third parties. This PDF document drawn up by the register is of an explanatory nature and contains the criteria established by the contracting authority or entity, a view of the format in which the economic operator is expected to respond, and references to the Public Procurement Act of the Republic of Estonia which were added by the register. This document is not designed for filling in – the sole purpose of the document is familiarising the economic operator with the criteria. The economic operator shall fill in the Single Procurement Document electronically in the information system or in the ESPD service.

## PART I: INFORMATION ABOUT THE CONTRACTING AUTHORITY AND THE PROCUREMENT PROCEDURE

### Notice concerning publishing

**Number of the announcement in the OJ:**

—

**OJ URL:**

**Official Journal of the European Union:**

297559

If the notice has not been published in the Official Journal of the European Union or in case publication of a notice in the Official Journal of the European Union is not required, please give other information allowing the procurement procedure to be unequivocally identified (e. g. reference of a publication at national level).

### Information about the contracting authority

**Official name:**

The Estonian Centre of Registers and Information Systems (70000310)

**Country:**

Estonia

**The tenderer's address:**

Lubja tn 4

**The tenderer's e-mail address:**

<http://www.rik.ee/>

**E-mail address:**

[rik.hanked@rik.ee](mailto:rik.hanked@rik.ee)

**Information about the procurement procedure****Type of procedure:**

Negotiated procedure without prior publication of tender notice

**Title:**

Purchase of enrolment software

**Short description:**

The procurement is organised with a view to awarding a public contract for the purchase of enrolment software and related support services to the Estonian Forensic Science Institute and for the performance of additional software development work in accordance with the orders placed.

**File reference number attributed by the contracting authority or contracting entity (if applicable):**

297559

Type of public procurement:

Supplies

**CPVs of the procurement procedure:**

48900000-7 Miscellaneous software package and computer systems

## PART II: INFORMATION ABOUT THE ECONOMIC OPERATOR

### **A: Information about the economic operator**

**Name:**

**Registry code:**

**Country:**

**Address:**

**General website:**

**Contact persons:**

**Email addresses of the contact persons:**

**Telephone numbers of the contact persons:**

**Size of the economic operator:**

**Number of employees:**

**Turnover:**

**Currency:**

**Description of financial capability:**

**Description of professional capability:**

**Description of completed works:**

**Area of activity of the economic operator:**

## THE ECONOMIC OPERATOR IS A SHELTERED WORKSHOP

Only in case the procurement is reserved: is the economic operator a sheltered workshop, a 'social business', or will it provide for the performance of the contract in the context of sheltered employment programmes?

### Answers expected from economic operators:

1. What is your response?
2. What is the percentage of disabled or disadvantaged workers?
3. If required, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to.
4. Is this information electronically available?
5. URL
6. Code
7. Issuer

## THE ECONOMIC OPERATOR IS REGISTERED ON AN OFFICIAL LIST OF APPROVED ECONOMIC OPERATORS

If applicable, is the economic operator registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)?

### Answers expected from economic operator:

1. What is your response?
2. a) Please provide the relevant registration or certification number, if applicable:
3. c) Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list:
4. d) Does the registration or certification cover all of the required selection criteria?
5. Is this information electronically available?
6. URL
7. Code
8. Issuer

## ECONOMIC OPERATORS WHICH ARE PARTICIPATING IN THE PROCUREMENT PROCEDURE TOGETHER WITH OTHERS

Is the economic operator participating in the procurement procedure together with others?

### Answers expected from economic operator:

1. Name of the economic operator
2. ID of the economic operator
3. Role of the economic operators
4. Is this information electronically available?
5. URL
6. Code
7. Issuer

## INFORMATION ABOUT RELYING ON THE CAPACITIES OF OTHER ENTITIES

Does the economic operator rely on the capacities of other entities to meet the selection criteria and rules (if any)?

### Answers expected from economic operator:

1. What is your response?
2. Name of the economic operator
3. ID of the economic operator
4. Role of the economic operators
5. Is this information electronically available?
6. URL
7. Code
8. Issuer

## **INFORMATION CONCERNING SUBCONTRACTORS ON WHOSE CAPACITY THE ECONOMIC OPERATOR DOES NOT RELY**

Does the economic operator intend to subcontract any share of the contract to third parties?

### **Answers expected from economic operator:**

1. What is your response?
2. Name of the economic operator
3. ID of the economic operator
4. Role of the economic operators
5. Is this information electronically available?
6. URL
7. Code
8. Issuer

## **LOTS OF THE PUBLIC PROCUREMENT**

The lots of the public procurement for which the economic operator wishes to submit a tender

### **Answers expected from economic operator:**

1. Number of the lot of the public procurement
2. Is this information electronically available?
3. URL
4. Code
5. Issuer

## **ASSURANCES OF THE ECONOMIC OPERATOR CONCERNING THE PAYMENT OF TAXES**

Will the economic operator be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the contracting authority or contracting entity to obtain it directly by accessing a national database in any Member State that is available free of charge?

### **Answers expected from economic operator:**

1. What is your response?
2. Is this information electronically available?
3. URL
4. Code
5. Issuer

## **B: Information about the representatives of the economic operator**

**First name:**

**Last name:**

**Date of birth:**

**Place of birth:**

**Address:**

**City/rural municipality:**

**Postal code:**

**Country:**

**E-mail:**

**Phone:rel**

**If needed, please provide detailed information on the representation (its forms, extent, purpose ...):**

## PART III: GROUNDS FOR EXCLUSION

### A: Grounds related to criminal convictions

#### 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).

#### Reference to law:

Clause 95 (1) 1) of the Public Procurement Act of the Republic of Estonia: ‘who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for participating in a criminal group’. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### Answers expected from economic operator:

1. Your answer? (Radio button with the options ‘Yes’/‘No’)
2. Date of conviction (Date)
3. Reason (Large text field (max 4,000 characters))
4. Who has been convicted? (Large text field (max 4,000 characters))
5. Length of the period of exclusion explicitly specified in the conviction. (Period)
6. Have you undertaken self-cleaning measures? (Radio button with the options ‘Yes’/‘No’)
7. Describe the measures (Large text field (max 4,000 characters))
8. Is this information electronically available? (Radio button with the options ‘Yes’/‘No’)
9. URL (Url)
10. Code (Text field (max 250 characters))
11. Issuer (Text field (max 250 characters))

## 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.

#### Reference to law:

Clause 95 (1) 1) of the Public Procurement Act of the Republic of Estonia: ‘who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for violating the duty of integrity or corrupt practice’. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the

case of an international threshold (§ 97(1) Public Procurement Act).

Answers expected from economic operator:

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Date of conviction (Date)
3. Reason (Large text field (max 4,000 characters))
4. Who has been convicted? (Large text field (max 4,000 characters))
5. Length of the period of exclusion explicitly specified in the conviction. (Period)
6. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
7. Describe the measures (Large text field (max 4,000 characters))
8. Is this information electronically available? (Radio button with the options 'Yes'/'No')
9. URL (Url)
10. Code (Text field (max 250 characters))
11. Issuer (Text field (max 250 characters))

## 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).

### Reference to law:

Clause 95 (1) 1) of the Public Procurement Act of the Republic of Estonia: 'who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for fraud'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

### Answers expected from economic operator:

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Date of conviction (Date)
3. Reason (Large text field (max 4,000 characters))
4. Who has been convicted? (Large text field (max 4,000 characters))
5. Length of the period of exclusion explicitly specified in the conviction. (Period)
6. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
7. Describe the measures (Large text field (max 4,000 characters))
8. Is this information electronically available? (Radio button with the options 'Yes'/'No')
9. URL (Url)
10. Code (Text field (max 250 characters))
11. Issuer (Text field (max 250 characters))

## TERRORIST ACTS 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.

### Reference to law:

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<https://riigihanked.riik.ee/rhr-web/#/procurement/9051164/general-info>

Clause 95 (1) 1) of the Public Procurement Act of the Republic of Estonia: ‘who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for a terrorist act, other criminal offence linked to terrorist activities, or inciting or aiding or abetting or attempting to commit an offence’. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options ‘Yes’/‘No’)
2. Date of conviction (Date)
3. Reason (Large text field (max 4,000 characters))
4. Who has been convicted? (Large text field (max 4,000 characters))
5. Length of the period of exclusion explicitly specified in the conviction. (Period)
6. Have you undertaken self-cleaning measures? (Radio button with the options ‘Yes’/‘No’)
7. Describe the measures (Large text field (max 4,000 characters))
8. Is this information electronically available? (Radio button with the options ‘Yes’/‘No’)
9. URL (Url)
10. Code (Text field (max 250 characters))
11. Issuer (Text field (max 250 characters))

## **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).

#### **Reference to law:**

Clause 95 (1) 1) of the Public Procurement Act of the Republic of Estonia: ‘who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for money laundering offence or terrorist financing’. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options ‘Yes’/‘No’)
2. Date of conviction (Date)
3. Reason (Large text field (max 4,000 characters))
4. Who has been convicted? (Large text field (max 4,000 characters))
5. Length of the period of exclusion explicitly specified in the conviction. (Period)
6. Have you undertaken self-cleaning measures? (Radio button with the options ‘Yes’/‘No’)
7. Describe the measures (Large text field (max 4,000 characters))
8. Is this information electronically available? (Radio button with the options ‘Yes’/‘No’)
9. URL (Url)
10. Code (Text field (max 250 characters))
11. Issuer (Text field (max 250 characters))



## 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).

### Reference to law:

Clause 95 (1) 3) of the Public Procurement Act of the Republic of Estonia: ‘who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for illegal use of child labour or another form of trafficking in human beings’. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

### Answers expected from economic operator:

1. Your answer? (Radio button with the options ‘Yes’/‘No’)
2. Date of conviction (Date)
3. Reason (Large text field (max 4,000 characters))
4. Who has been convicted? (Large text field (max 4,000 characters))
5. Length of the period of exclusion explicitly specified in the conviction. (Period)
6. Have you undertaken self-cleaning measures? (Radio button with the options ‘Yes’/‘No’)
7. Describe the measures (Large text field (max 4,000 characters))
8. Is this information electronically available? (Radio button with the options ‘Yes’/‘No’)
9. URL (Url)
10. Code (Text field (max 250 characters))
11. Issuer (Text field (max 250 characters))

## B: Grounds related to payment of taxes or social security contributions

### 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?

### Reference to law:

Clause 95 (1) 4) of the Public Procurement Act of the Republic of Estonia: ‘who has tax arrears within the meaning of the Taxation Act regarding state taxes, contributions, or environmental charges /.../ under the legislation of the country where the tenderer or candidate is established’. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

### Criteria description:

Threshold: 0

Currency: EUR – Euro

Further information: Pursuant to the Taxation Act of the Republic of Estonia, the tax authority is not required to issue a certificate concerning the absence of tax arrears if the tax arrears of the taxable person in terms of all taxes administered by the same tax authority are less than 100 euros or if the tax arrears, not including interest not determined by an administrative act, are being paid in instalments. In the case of a foreign economic operator, the certificate concerning the absence of tax arrears is issued according to the legislation of the country in which the economic operator was established.

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Country or Member State concerned (Country code)
3. Amount concerned (Amount)
4. Currency (Currency)
5. Has this breach of obligations been established by means other than a judicial or administrative decision? (Radio button with the options 'Yes'/'No')
6. Please describe which means were used (Large text field (max 4,000 characters))
7. If the breach has been identified based on a judicial or an administrative decision, please specify whether the decision was final and binding. (Radio button with the options 'Yes'/'No')
8. Date of conviction (Date)
9. Length of the period of exclusion explicitly specified in the conviction. (Period)
10. 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? (Radio button with the options 'Yes'/'No')
11. Describe the measures (Large text field (max 4,000 characters))
12. Is this information electronically available? (Radio button with the options 'Yes'/'No')
13. URL (Url)
14. Code (Text field (max 250 characters))
15. Issuer (Text field (max 250 characters))

**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?

**Reference to law:**

Clause 95 (1) 4) of the Public Procurement Act of the Republic of Estonia: 'who has tax arrears within the meaning of the Taxation Act regarding /.../ overdue social security contributions under the legislation of the country where the tenderer or candidate is established'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

**Criteria description:**

Value: 0 Currency: EUR

Further information: Pursuant to the Taxation Act of the Republic of Estonia, the tax authority is not required to issue a certificate concerning the absence of tax arrears if the tax arrears of the taxable person in terms of all taxes administered by the same tax authority are less than 100 euros or if the tax arrears, not including interest not determined by an administrative act, are being paid in instalments. In the case of a foreign economic operator, the certificate concerning the absence of tax arrears is issued according to the legislation of the country in which the economic operator was established.

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Country or Member State concerned (Country code)
3. Amount concerned (Amount)
4. Currency (Currency)
5. Has this breach of obligations been established by means other than a judicial or administrative decision? (Radio button with the options 'Yes'/'No')
6. Please describe which means were used (Large text field (max 4,000 characters))
7. If the breach has been identified based on a judicial or an administrative decision, please specify whether the decision was final and binding. (Radio button with the options 'Yes'/'No')
8. Date of conviction (Date)
9. Length of the period of exclusion explicitly specified in the conviction. (Period)
10. 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? (Radio button with the options 'Yes'/'No')
11. Describe the measures (Large text field (max 4,000 characters))

12. Is this information electronically available? (Radio button with the options 'Yes'/'No')
13. URL (Url)
14. Code (Text field (max 250 characters))
15. Issuer (Text field (max 250 characters))

## **C: Grounds for exclusion on the basis of insolvency, conflicts of interests, or professional misconduct**

### **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.

#### **Reference to law:**

Clause 95 (4) 2) of the Public Procurement Act of the Republic of Estonia: 'who has breached environmental /.../ law duties arising from law or from a collective agreement'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
4. Describe the measures (Large text field (max 4,000 characters))
5. Is this information electronically available? (Radio button with the options 'Yes'/'No')
6. URL (Url)
7. Code (Text field (max 250 characters))
8. Issuer (Text field (max 250 characters))

### **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.

#### **Reference to law:**

Clause 95 (4) 2) of the Public Procurement Act of the Republic of Estonia: 'who has breached /.../ social /.../ law duties arising from law or from a collective agreement'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
4. Describe the measures (Large text field (max 4,000 characters))
5. Is this information electronically available? (Radio button with the options 'Yes'/'No')
6. URL (Url)
7. Code (Text field (max 250 characters))
8. Issuer (Text field (max 250 characters))

### 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.

#### Reference to law:

Clause 95 (4) 2) of the Public Procurement Act of the Republic of Estonia: 'who has breached /.../ labour law duties arising from law or from a collective agreement'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### Answers expected from economic operator:

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
4. Describe the measures (Large text field (max 4,000 characters))
5. Is this information electronically available? (Radio button with the options 'Yes'/'No')
6. URL (Url)
7. Code (Text field (max 250 characters))
8. Issuer (Text field (max 250 characters))

### 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.

#### Reference to law:

Clause 95 (4) 3) of the Public Procurement Act of the Republic of Estonia: 'who is bankrupt /.../ except upon the purchasing of supplies in the case and on the conditions provided for in subsection 49 (4) of this Act'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### Answers expected from economic operator:

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Indicate reasons for being able nevertheless to perform the contract. 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. (Large text field (max 4,000 characters))
4. Is this information electronically available? (Radio button with the options 'Yes'/'No')
5. URL (Url)
6. Code (Text field (max 250 characters))
7. Issuer (Text field (max 250 characters))

### 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.

#### Reference to law:

Clause 95 (4) 3) of the Public Procurement Act of the Republic of Estonia: 'who is /.../ in liquidation, against whom /.../ liquidation proceedings have been initiated /.../ except upon the purchasing of

supplies in the case and on the conditions provided for in subsection 49 (4) of this Act'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Indicate reasons for being able nevertheless to perform the contract. 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. (Large text field (max 4,000 characters))
4. Is this information electronically available? (Radio button with the options 'Yes'/'No')
5. URL (Url)
6. Code (Text field (max 250 characters))
7. Issuer (Text field (max 250 characters))

### **AGREEMENT 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.

#### **Reference to law:**

Clause 95 (4) 3) of the Public Procurement Act of the Republic of Estonia: 'who is in another similar situation under the legislation of the country where the tenderer or candidate is established, except upon the purchasing of supplies in the case and on the conditions provided for in subsection 49 (4) of this Act'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Indicate reasons for being able nevertheless to perform the contract. 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. (Large text field (max 4,000 characters))
4. Is this information electronically available? (Radio button with the options 'Yes'/'No')
5. URL (Url)
6. Code (Text field (max 250 characters))
7. Issuer (Text field (max 250 characters))

### **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.

#### **Reference to law:**

Clause 95 (4) 3) of the Public Procurement Act of the Republic of Estonia: 'who is in another similar situation under the legislation of the country where the tenderer or candidate is established, except upon the purchasing of supplies in the case and on the conditions provided for in subsection 49 (4) of this Act'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be

submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Indicate reasons for being able nevertheless to perform the contract. 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. (Large text field (max 4,000 characters))
4. Is this information electronically available? (Radio button with the options 'Yes'/'No')
5. URL (Url)
6. Code (Text field (max 250 characters))
7. Issuer (Text field (max 250 characters))

**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.

**Reference to law:**

Clause 95 (4) 3) of the Public Procurement Act of the Republic of Estonia: 'who is bankrupt or in liquidation, against whom bankruptcy or liquidation proceedings have been initiated /.../ or who is in another similar situation under the legislation of the country where the tenderer or candidate is established, except upon the purchasing of supplies in the case and on the conditions provided for in subsection 49 (4) of this Act'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Indicate reasons for being able nevertheless to perform the contract. 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. (Large text field (max 4,000 characters))
4. Is this information electronically available? (Radio button with the options 'Yes'/'No')
5. URL (Url)
6. Code (Text field (max 250 characters))
7. Issuer (Text field (max 250 characters))

**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.

**Reference to law:**

Clause 95 (4) 3) of the Public Procurement Act of the Republic of Estonia: 'whose business activities have been suspended /.../ except upon the purchasing of supplies in the case and on the conditions provided for in subsection 49 (4) of this Act'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Indicate reasons for being able nevertheless to perform the contract. 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. (Large text field (max 4,000 characters))
4. Is this information electronically available? (Radio button with the options 'Yes'/'No')
5. URL (Url)
6. Code (Text field (max 250 characters))
7. Issuer (Text field (max 250 characters))

**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.

**Reference to law:**

Clause 95 (4) 4) of the Public Procurement Act of the Republic of Estonia: 'who has engaged in grave professional misconduct which renders its integrity questionable'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
4. Describe the measures (Large text field (max 4,000 characters))
5. Is this information electronically available? (Radio button with the options 'Yes'/'No')
6. URL (Url)
7. Code (Text field (max 250 characters))
8. Issuer (Text field (max 250 characters))

**AGREEMENTS WITH OTHER ECONOMIC OPERATORS AIMED AT DISTORTING COMPETITION**

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

**Reference to law:**

Clause 95 (4) 5) of the Public Procurement Act of the Republic of Estonia: 'due to an agreement distorting competition, a decision of an association of economic operators, or concerted action'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

**Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
4. Describe the measures (Large text field (max 4,000 characters))
5. Is this information electronically available? (Radio button with the options 'Yes'/'No')
6. URL (Url)
7. Code (Text field (max 250 characters))
8. Issuer (Text field (max 250 characters))

## CONFLICT OF INTEREST DUE TO 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?

### Reference to law:

Clause 95 (4) 6) of the Public Procurement Act of the Republic of Estonia: 'where a conflict of interests cannot be avoided by any other means'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

### Answers expected from economic operator:

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Is this information electronically available? (Radio button with the options 'Yes'/'No')
4. URL (Url)
5. Code (Text field (max 250 characters))
6. Issuer (Text field (max 250 characters))

## 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?

### Reference to law:

Clause 95 (4) 7) of the Public Procurement Act of the Republic of Estonia: 'whose tender or request to participate has been drawn up with the involvement of a person who has participated in preparing the same public procurement or who is otherwise related to the contracting authority or entity and information known to the person gives them an advantage over other participants in the public procurement and the distortion of competition arising therefrom cannot be avoided by other means'. If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

### Answers expected from economic operator:

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Is this information electronically available? (Radio button with the options 'Yes'/'No')
4. URL (Url)
5. Code (Text field (max 250 characters))
6. Issuer (Text field (max 250 characters))

## 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?

### Reference to law:

Clause 95 (4) 8) of the Public Procurement Act of the Republic of Estonia: 'who has been in a fundamental or constant breach of a prior public contract or public contracts in such a manner that the breach has resulted in withdrawal from or termination of the contract, a reduction of the price, compensation for damage, or payment of a contractual penalty' Information about procurement



contracts which have been concluded as a result of procurement procedures which were launched from 1 September 2017 can be found from the Public Procurement Register.

If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Describe the measures (Large text field (max 4,000 characters))
3. Have you undertaken self-cleaning measures? (Radio button with the options 'Yes'/'No')
4. Describe the measures (Large text field (max 4,000 characters))
5. Is this information electronically available? (Radio button with the options 'Yes'/'No')
6. URL (Url)
7. Code (Text field (max 250 characters))
8. Issuer (Text field (max 250 characters))

#### **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, and
- d) 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?

#### **Reference to law:**

Clause 95 (4) 9) of the Public Procurement Act of the Republic of Estonia: 'who has given false information on meeting the selection criteria established in this section or on meeting the selection criteria established by the contracting authority or entity on the basis of sections 98–101 of the Public Procurement Act'; Clause 95 (4) 9) of the Public Procurement Act of the Republic of Estonia: 'who has /.../ failed to submit the information /.../ requested by the contracting authority or entity on the basis of sections 98–101 of the Public Procurement Act'

Clause 95 (4) 9) of the Public Procurement Act of the Republic of Estonia: 'who has /.../ failed to submit the information or the additional documents requested by the contracting authority or entity on the basis of subsections 104 (7) and (8) of the Public Procurement Act'

Clause 95 (4) 10) of the Public Procurement Act of the Republic of Estonia: 'who intentionally influences the contracting authority or entity or negligently submits misleading information that may unduly influence the decisions of the contracting authority or entity in the public procurement or acts with the aim of obtaining confidential information that may give them an advantage over other participants in the public procurement'

If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options 'Yes'/'No')
2. Is this information electronically available? (Radio button with the options 'Yes'/'No')

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<https://riigihanked.riik.ee/rhr-web/#/procurement/9051164/general-info>

3. URL (Url)
4. Code (Text field (max 250 characters))
5. Issuer (Text field (max 250 characters))

## D: Grounds from national legislation

### **Purely national exclusion grounds: for allowing a foreigner staying without a legal basis to work**

Has the entrepreneur violated the obligations related to the grounds for exclusion arising from Section 95 (1) 2 of the PPA?

#### **Reference to law:**

Clause 95 (1) 2) of the Public Procurement Act of the Republic of Estonia: ‘who or whose member of an administrative, management, or supervisory board or another legal representative or a contractual representative involved in the public procurement has been convicted by final judgment for enabling an illegal alien to work or for enabling a breach of the criteria applicable to the work performed by an alien in Estonia, including for payment of a salary below the statutory rate’ Mandatory grounds for exclusion.

If there are grounds for exclusion from the tendering procedure and the economic operator wishes to provide evidence that it has taken steps to restore its credibility, the evidence must be submitted with the tender in open procedures, or in other procurement procedures with the request. The economic operator has the possibility of obtaining a waiver in the case of an international threshold (§ 97(1) Public Procurement Act).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options ‘Yes’/‘No’)
2. Is this information electronically available? (Radio button with the options ‘Yes’/‘No’)
3. URL (Url)
4. Code (Text field (max 250 characters))
5. Issuer (Text field (max 250 characters))

### **Purely national exclusion grounds: the subject of international sanctions**

PPA § 95 (1) 5. The awarding of the public contract to whom would violate an international sanction or a sanction imposed by the Government of the Republic within the meaning of the International Sanctions Act.

#### **Reference to law:**

Clause 95 (1) 5) of the Public Procurement Act of the Republic of Estonia. As of 14.08.2022, the contracting authority checks the absence of grounds for exclusion of the tenderer or candidate on the basis of the attestation. The contracting authority may, in case of reasonable doubt, require the tenderer or the additional information or evidence from the candidate or tenderer to enable the grounds for exclusion to be established, to verify the reason for the award (RHS § 96(2.1)).

#### **Answers expected from economic operator:**

1. Your answer? (Radio button with the options ‘Yes’/‘No’)
2. Is this information electronically available? (Radio button with the options ‘Yes’/‘No’)
3. URL (Url)
4. Code (Text field (max 250 characters))
5. Issuer (Text field (max 250 characters))