

Exclusion Criteria

1. Exclusion criteria from participation in procurement procedures

Applicants 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 applicant 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 Helvetas 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 applicant 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 SIDA's or HELVETAS's interests.

5. the applicant has shown significant deficiencies in complying with main obligations in the performance of a contract financed by Sida or Helvetas, 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.
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.

Applicants must certify on honour in their applications that they are not in any of the situations listed above.

2. Exclusion from award of contracts

Contracts may not be awarded to applicants which, during the procurement procedure:

1. are subject to a conflict of interests¹.
2. are guilty of misrepresentation in supplying the information required by Helvetas as a condition of participation in the contract procedure or a failure to supply this information, or
3. where the Helvetas determines that there are grounds for exclusion according to Section 1.1.

¹Helvetas may conclude that an applicant does not possess the required professional capacity to perform the contract to an appropriate quality standard where the Helvetas has established that the applicant has conflicting interests which may negatively affect its performance.