

Please read the following extract from Statutory Instrument No. 329 of 2006 and sign the appropriate declaration at the end of same:

**EUROPEAN COMMUNITIES (AWARD OF PUBLIC AUTHORITIES'
CONTRACTS) REGULATIONS 2006**

Exclusion of certain persons from being considered for awards of public contracts

53. (1) In considering whether or not to award a public contract, a contracting authority shall exclude from consideration any person who, to the knowledge of the authority, has been convicted of an offence involving—

- (a) participation in a prescribed criminal organisation, or
- (b) corruption, or
- (c) fraud, or
- (d) money laundering.

(2) In order to give effect to paragraph (1), the contracting authority—

- (a) shall, whenever appropriate, ask a candidate or bidder to supply the documents referred to in paragraph (6), and
- (b) may, if it has doubts concerning the personal situation of the candidate or bidder, also seek information that it considers relevant from an appropriate competent administrative or judicial authority.

(3) If the information referred to in paragraph (2)(b) concerns a candidate or bidder established in another Member State, the contracting authority may request the co-operation of the competent authority of that other State. Such a request may extend to any agent of the person and, in the case of a body (whether incorporated or unincorporated), extend to any person who is concerned in the direction or management of the body.

(4) In considering whether to award a public contract, a contracting authority may exclude from consideration any person—

- (a) who is subject to a bankruptcy or insolvency procedure or process of a kind specified in paragraph (5), or

(b) who has been found guilty of professional misconduct by a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons that include the operator, or

(c) who has committed grave professional misconduct provable by means that the authority can demonstrate, or

(d) who has not fulfilled an obligation to pay a social security contribution as required by a law of the country or territory—

(i) where the person ordinarily resides or carries on business, or

(ii) where the authority is established, or

(e) who has not fulfilled an obligation to pay a tax or levy imposed by or under a law of the country or territory—

(i) where the person ordinarily resides or carries on business, or

(ii) where the authority is established, or

(f) who has provided a statement or information to the authority or another contracting authority knowing it to be false or misleading, or has failed to provide to the authority or another such authority a statement or information that is reasonably required by the authority for the purpose of awarding the public contract concerned.

(5) A person is subject to a bankruptcy or insolvency procedure or process for the purpose of paragraph (4) if —

(a) the person is bankrupt or the subject of a bankruptcy petition, or

(b) the person, being a body corporate, is being wound up or the subject of proceedings for compulsory winding up, or

(c) the person's affairs are being administered by a court, or the person is the subject of proceedings in which it is sought to have the person's affairs so administered, or

(d) the person has entered into an arrangement with creditors, or

(e) the person has suspended business activities, or

(f) the person is, in the opinion of the contracting authority concerned, in any situation analogous to any of those mentioned in subparagraphs (a) to (e) under a law of the State, another Member State or a third country relating to bankruptcy or insolvency.

(6) A contracting authority shall accept as sufficient evidence that a person is not liable to be excluded under paragraph (1) or under subparagraph (a), (b), (d) or (e) of paragraph (4)—

- (a) a copy of the relevant judicial record, or
- (b) in the absence of such a copy, a certificate issued by a competent judicial or administrative authority in the country or territory where the person ordinarily resides or carries on business, or the authority is established, showing that the particular subparagraph does not apply to the person.

(7) Without limiting paragraph (6), a contracting authority shall accept as sufficient evidence that a person is not liable to be excluded under subparagraph (d) or (e) of paragraph (4) a certificate issued by the Collector General of the Office of the Irish Revenue Commissioners showing that the relevant subparagraph does not apply to the person.

(8) If a question arises as to whether paragraph (1), or subparagraph (a) or (b) of paragraph (4), applies to a person and either—

- (a) the relevant judicial or administrative or competent authority in the country or territory in question does not issue documents of the kind referred to in paragraph (6), or (7), or
- (b) although it issues documents of that kind, they do not cover the case in question,

the contracting authority concerned shall accept instead a declaration made by the person on oath or, in the case of a Member State where there is no provision for making a declaration on oath, a solemn declaration made by the person before a person authorised for the purpose under a law of that Member State.

(9) The following are authorised authorities for the purposes of paragraph (8):

- (a) a competent judicial or administrative authority of the country or territory where the person ordinarily resides or carries on business or where the contracting authority is established;
- (b) a notary or a competent professional or trade body located in that country or territory.

Declaration:

I say and declare that none of the circumstances set out in S.I. No. 329 of 2006 apply to me

Signed _____ Print Name _____

OR

(See next page)

I say and declare that the following circumstances set out in S.I. No. 329 of 2006
apply to me:

Signed _____ Print Name _____