

Annex 2: Requirements on the tenderer

1 Exclusion grounds

1.1 Criminal activities

A tenderer will be excluded from participation in a procurement procedure where SIWI is aware that the tenderer has been the subject of conviction by final judgement for any of the following reasons:

- participation in a criminal organization;
- corruption;
- fraud;
- terrorist offences or offences linked to terrorist activities;
- money laundering or terrorist financing; or
- human trafficking.

A tenderer will be excluded if a person who has been subject to such conviction is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control therein.

1.2 Other irregularities

A tenderer will be excluded from participation in a procurement procedure where SIWI is aware that the economic operator is in any of the following situations:

- a) where it has been established by a final judicial or administrative decision that the tenderer is in breach of its obligations relating to the declaration or payment of taxes or employer contributions;
- b) where it can be demonstrated by appropriate means that the tenderer is guilty of a violation of applicable obligations in the fields of employment, environmental, labour or social law;
- c) where the tenderer is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is any analogous situation arising from a similar procedure under national laws and regulations;
- d) where it can be demonstrated by appropriate means that the tenderer is guilty of grave professional misconduct;
- e) where a conflict of interest cannot be effectively remedied by other less intrusive measures;
- f) where the tenderer has been guilty of serious misrepresentation in supplying the information required as a condition of participation in the procurement procedure or has withheld such information;
- g) where the tenderer has undertaken to unduly influence the decision-making process, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently or wilfully provide misleading information that may have a material influence on decisions concerning exclusion, selection or the award of contract.
- h) where the tenderer is included in the list of persons, groups and entities subject to EU or UN Security Council restrictive measures, or on a procurement debarment list such as that of the World Bank, the European Development Bank for Reconstruction and Development, the African Development Bank Group, the Asian Development Bank or the Inter-American Development Bank.

Evidence: By signing the tender, the Tenderer confirms that it is not in any of the situations above.

2 Selection criteria

2.1 Capacity to perform the contract

The Tenderer **must** prove that it has the capacity needed to perform the contract in accordance with the following selection criteria.

The Tenderer may rely on the capacity of other economic operators, regardless of the legal nature of the link which it has with these entities.

Evidence: If the Tenderer intends to rely on the capacity of other economic operators, the tenderer **must** provide evidence proving that the Tenderer will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those economic operators to place those resources at the Tenderer's disposal.

2.2 Legal capacity

The tenderer **must** have the legal capacity required for the performance of the contract.

Criterion 1: The tenderer **must** be duly constituted in accordance with the laws of its country of establishment and be registered with the competent authority, provided that such registration is required in the tenderer's country of establishment. A Swedish tenderer **must** be registered with the Swedish Companies Registration Office.

Criterion 2: The tenderer **must** be registered to pay all applicable taxes (e.g. income tax, pay-as-you-earn, employee contributions, value added tax or similar taxes or charges), provided that such registration is required in the tenderer's country of establishment. A Swedish tenderer **must** be approved for F-tax and be registered for value added tax (VAT).

Evidence: The tender **must** include the Tenderer's certificate of registration or equivalent document.

2.3 Technical and professional capacity

The tenderer **must** have the technical and professional capacity required for the performance of the contract.

Evidence: The tenderer **must** provide a description of at least two (3) assignments relevant to the intended agreement and a reference for each assignment. The descriptions are to be included in Annex 3: Tender form.

2.4 Economic capacity

The tenderer **must** have the economic capacity required for the performance of the contract.

Criterion: The tenderer **must** have at least risk class 3 with UC AB or an equivalent risk class with another credit reference agency.

Evidence: SIWI may examine the economic capacity of the tenderer by ordering a credit reference from UC AB or another credit reference agency.

2.5 Sustainability

The tenderer **must** have an environmental management system or otherwise adequate internal routines for sustainability.

Criterion: The tenderer **must** have an environmental management system that complies with ISO 14001 or equivalent, or, if the Tenderer does not have such a system, otherwise adequate internal routines for sustainability.

Evidence: The tenderer **must** provide a description to the environmental management system applied, or, if the Tenderer does not have such a system, other documentation proving it has adequate routines in place for sustainability. A document such as a certificate, policy or sustainability may be submitted by the tenderer as evidence.